

DISCUSSION PAPER 3

USE OF ZONING, OVERLAYS
AND PERMISSIBLE USES IN NSW

APPROACHES OF COAST AND TABLELAND
COUNCILS AND OPTIONS FOR
EUROBODALLA

A DISCUSSION PAPER TO GUIDE THE
EUROBODALLA SHIRE COUNCIL RURAL
STRATEGY

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For: EUROBODALLA COUNCIL

August 2015

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1 INTRODUCTION AND SUMMARY

1.1 PURPOSE OF THIS DISCUSSION PAPER

The Draft Eurobodalla Rural Strategy is presented in three volumes:

Volume One: The Strategy – this is a summary document of the recommended preferred options, strategies and action plans.

Volume Two: The Discussion Papers – there are 10 broad papers in this volume, each presenting a discussion on the more significant issues applicable to Council’s role in the rural lands of Eurobodalla.

This is Discussion Paper 3 and it explores the use of zones, overlays and the range of permissible uses applied in the rural areas of a sample of coastal and tableland Councils and some wider review of state trends. This exploration of other Council approaches may assist Eurobodalla Shire develop a preferred combination of zones, refine policy direction on overlay mapping and review the range of permissible uses to best serve the needs of the community.

Volume Three: A compendium of larger scale maps – given the size of the Shire and the detail sometimes required, the more important maps of general land use information and those from the Discussion Papers are presented in A3 page size. In addition, if accessing the PDF version, there is the capacity to “zoom in” to explore more detail.

The draft strategy package as presented in the three volumes, represents the work of the consultant team Garret Barry Planning Services (GBPS). It is stressed these documents are drafts prepared for community comment and input. Council has not concluded any view on the draft recommendations and will resolve a final strategy when it has considered community feedback.

We welcome suggestions from the community as to any issues we may have overlooked and your preferred options and strategies to guide the future direction of the rural areas.

1.2 EXECUTIVE SUMMARY

Part of the brief for the Eurobodalla Rural Strategy includes a requirement for the consultants to review the zoning, mapping and permissible uses currently applied by Council in the rural areas and make any suggestions for changes in:

- Zone types/mix
- Permissible uses in zones.
- Use of overlay maps.

This Discussion Paper focuses on these three elements.

This Paper explores the current zones available in the State wide Standard Instrument and the preferred zones selected by a sample of Councils.

This data will assist in resolving the preferred rural zoning for Eurobodalla, whether any changes to permissible uses in these zones is warranted and in resolving a position on the use of LEP environmental overlays.

Council is limited in the range of zones available to those specified in the Standard Instrument which is regulated by the State Government. There are possible changes to the mix of zones being explored by the State Government (see Discussion Paper 4 for background on potential changes), but as at the drafting of this Discussion Paper the range of zone options for most private rural lands in Eurobodalla are limited to those defined below.

To assist in drawing conclusions on suitable zoning for rural lands, GBPS conducted a review of a sample of 19 NSW coastal and tableland Local Government Areas (LGAs) Local Environmental Plans (LEPs) to compare and analyse the use of the following zones to better inform the use of zones for future land use planning in Eurobodalla:

- RU1 – Primary Production
- RU2 – Rural Landscape
- RU4 – Primary Production Small Lots
- E2 – Environmental Conservation
- E3 – Environmental Management
- E4 – Environmental Living
- R5 – Large Lot Residential.

A zone for rural villages, RU5, is not considered in this Paper as it is a more specific zone that provides for a mix of residential, commercial and tourism opportunities in rural villages.

Although there is a LEP Standard Instrument used by all LGAs there is still some variation and discretion available to Councils over the application of the standard zones available for land use planning.

Table 1 provides a quick reference guide highlighting the use of zones by the Councils surveyed. Sections 2 to 7 review the use of the above zones in more detail.

Of the 19 LGAs reviewed, it was found that there is quite a variance in the application of certain zones and how widely they are applied. As a general overview, only 1 Council does

not use RU1, 10 Councils do not use RU2 and RU4, 5 Councils do not use E2 and E3, 12 Councils do not use E4 and only 1 Council does not use R5.

Table 2 provides a quick reference guide to the use of overlays by the Councils surveyed.

Eleven of the 19 sample Councils have overlay mapping relating to biodiversity. A 2014 review of the NSW legislation site estimates approximately 60% of all NSW Councils who had converted to the Standard Instrument had some type of biodiversity overlay. Section 8 reviews the use of overlays by the sample of 19 Councils.

Generally, the practical permissible uses in the rural areas of Eurobodalla are as wide as most Councils. There are a small number of uses prohibited in the Eurobodalla rural zones that Council may wish to consider adding as permissible. Presentation of some current permissible uses might be clearer for lay readers – especially where a broad use has subcategories permissible or prohibited. These uses are examined zone by zone in Section 9.

This Paper stops short of making final recommendations for rural zoning, use of overlays and permissible uses. It is intended as a data resource and Discussion Papers 9 and 10 make specific recommendations. Discussion Paper 9 focuses on the general rural areas while the focus of Discussion Paper 10 is on the rural residential areas of Eurobodalla.

Table 1: Use of available zones by the 19 Councils surveyed

Zone	RU1	RU2	RU4	E2	E3	E4	R5
Bega Valley	Used	Used	Used	Used	Used	Used	Used
Bombala	Used	Not Used	Not Used	Not Used	Not Used	Not Used	Used
Byron*	Used	Used	Not Used	Not Used	Not Used	Not Used	Used
Clarence Valley	Used	Used	Not Used	Used	Used	Not Used	Used
Coffs Harbour	Not Used	Used	Not Used	Used	Not Used	Not Used	Used
Cooma-Monaro	Used	Not Used	Not Used	Used	Used	Used	Used
Eurobodalla*	Used	Not Used	Used	Used	Not Used	Used	Used
Greater Taree	Used	Not Used	Used	Used	Used	Not Used	Used
Kempsey	Used	Used	Used	Used	Used	Used	Used
Palerang	Used	Not Used	Not Used	Used	Used	Used	Used
Richmond Valley	Used	Not Used	Not Used	Used	Used	Not Used	Used
Shoalhaven	Used	Used	Used	Used	Used	Used	Used
Singleton	Used	Used	Used	Used	Used	Used	Used
Snowy River	Used	Not Used	Not Used	Used	Used	Not Used	Used
Tamworth Regional	Used	Not Used	Used	Used	Used	Not Used	Used
Tenterfield	Used	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
Tumut	Used	Not Used	Not Used	Not Used	Not Used	Not Used	Used
Upper Hunter	Used	Not Used	Used	Not Used	Used	Not Used	Used
Upper Lachlan	Used	Used	Used	Used	Used	Not Used	Used
Yass Valley	Used	Used	Used	Used	Used	Used	Used
Total where not used (out of 19)	1	10	10	5	5	12	1

Legend:  Used
 Not Used

* These Council LEPs include some deferred areas. Therefore, the full suite of zones used may change upon consideration of the most appropriate zoning for those deferred areas.

Table 2: Review of use of overlays by sample Councils

Councils Surveyed	Terrestrial Biodiversity	Waterways	Other
Eurobodalla	Used	Wetlands Map, Riparian Lands and Watercourses Map	Not Used
Byron	Not Used	Not Used	Not Used
Coffs Harbour	Used	Drinking Water Catchment Map, Riparian Lands and Watercourses Map	Not Used
Greater Taree	Not Used	Not Used	Not Used
Shoalhaven	Used	Riparian Lands and Watercourses Map	Natural Resources Sensitivity - Land Map, Scenic Protection Area Map
Clarence Valley	Not Used	Not Used	Not Used
Kempsey	Not Used	Not Used	Not Used
Tamworth Regional	Not Used	Not Used	Not Used
Singleton	Not Used	Riparian Lands and Watercourses Map	Not Used
Richmond Valley	Used	Wetlands Map, Riparian Lands and Watercourses Map	Not Used
Upper Hunter	Used	Groundwater Vulnerability Map, Watercourse Map, Drinking Water Catchment Map	Not Used
Upper Lachlan	Used	Natural Resources Sensitivity - Water Map	Natural Resources Sensitivity - Land Map
Cooma-Monaro	Used	Groundwater Vulnerability Map, Riparian Land Map, Wetlands Map	Scenic Protection Map
Palerang	Used	Not Used	Landscape Map
Snowy River	Used	Riparian Lands and Watercourses Map, Wetlands Map	Not Used
Yass Valley	Used	Riparian Lands and Watercourses Map, Groundwater Vulnerability Map	Natural Resources Land Map
Bega Valley	Used	Riparian Lands and Watercourses Map	Natural Resources Land Map
Tenterfield	Not Used	Not Used	Sensitive Land Map
Tumut	Used	Groundwater Vulnerability Map, Wetlands Map, Riparian Lands and Watercourses Map	Salinity Map, Landslide Risk Map
Bombala	Used	Riparian Lands and Watercourses Map	Not Used
Total where not used (out of 19)	7	6	12

Legend: Used
 Not Used

The following map legend is used throughout this Discussion Paper.

Map Legend

<input checked="" type="checkbox"/> Land Zoning	
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
B7	Business Park
B8	Metropolitan Centre
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
IN3	Heavy Industrial
IN4	Working Waterfront
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
RU6	Transition
SP1	Special Activities
SP2	Infrastructure
SP3	Tourist
W1	Natural Waterways
W2	Recreational Waterways
W3	Working Waterways
UL	Unzoned Land
DM	Deferred Matter

2 A SNAPSHOT OF THE ZONES CURRENTLY USED IN EUROBODALLA AND THEIR GENESIS

2.1 RURAL ZONING PRIOR TO THE 2012 LEP

The LEP in force over rural lands prior to creation of the Current Eurobodalla LEP 2012 was Eurobodalla Rural LEP 1987. The 1987 plan still remains in force for some deferred lands.

In converting their old LEPs to the required State-wide Standard Instrument, Councils had to make choices as to the best fit amongst the new zones listed on page 6.

The table below summarises how the current zones were applied.

Table 3: Conversion of zones from LEP 1987 to LEP 2012

1987 Zone	Current Zone
1(a) Rural Environmental Constraints and Agriculture	Part RU1 Primary Production and some areas Deferred and retaining 1(a) zoning for now. The deferred areas were previously proposed to be zoned E3.
1(a)(1) Rural (Environmental Constraints, Water catchment and Agriculture)	Part RU1 Primary Production and some areas Deferred and retaining 1(a) zoning for now. The deferred areas were previously proposed to be zoned E3.
1(c) Rural Residential	Higher biodiversity sections were zoned E4 Environmental Living. Small lot sections generally without high biodiversity across the section were zoned R5. Some larger lot areas of former 1(c) with generally better agricultural land were zoned RU4 Primary Production (Small lots).
7(a) Environmental Protection (Wetlands)	E2 Environmental Conservation.
7(f1) Environmental Protection (Coastal Lands Protection)	Some to E2, E1 or RU1.
7(f2) Environmental Protection (Coastal Lands Acquisition)	Some to E1 some to E2 or RU1.

2.2 THE CURRENT RURAL ZONES

The following table gives a summary of all zones used in the rural areas that may apply to private lands and their estimated total areas.

Table 4: Areas of each zone currently used across the rural areas of Eurobodalla

ESC Rural Zones	Ha	Comments
Deferred Matter Areas (retain 1987 zoning)	38,048	These areas were proposed in the initial draft LEP for zoning E3 Environmental Management. However, Council has deferred a decision on the final zoning of these lands and requested options be put forward as part of the Rural Strategy. These lands currently retain their 1987 LEP zoning (mostly 1(a)(1)).
RU1 Primary Production	29,874	Generally agricultural lands.
RU4 Primary Production (small lots)	1,723	Small lot farming areas.
E2 Environmental Conservation	4,563	Wetlands and other areas of very high sensitivity. The area of E2 zone is Shire-wide.
E4 Environmental Living	5,491	Rural residential land with higher biodiversity.
R5 Large Lot Residential	2,133	Rural residential land without higher biodiversity and generally smaller lot areas.
SP3 Tourist	102	Specific sites for more intensive tourism development.
W1 Natural Waterways	8,585	Streams and waterways of higher environmental sensitivity. The area of W1 zone is Shire-wide.
W2 Recreational Waterways	45	Larger navigable waterways. The area of W2 zone is Shire-wide.

3 COMPARISON OF USE OF RU1, RU2 AND E3 ZONES

3.1 WHAT IS THE RU1 ZONE?

The focus of the RU1 Zone is facilitation of Primary Production.

The Standard Instrument requires the RU1 zone to have some specified mandatory wording but allows Council the discretion to add objectives, exempt and permissible uses with justification. The Standard Instrument specifies the following mandatory objectives for RU1:

- 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.

3.2 WHICH COUNCILS SURVEYED USE THE RU1 ZONE

All Councils surveyed except Coffs Harbour use the RU1 zone.

3.3 RU1 IN THE CONTEXT OF EUROBODALLA

Currently, the RU1 zone is the main rural zone covering the agricultural areas of Eurobodalla with a total area of approximately 30,000 ha. A substantial area (approximately 38,000 ha) is currently “deferred land” in the LEP 2012 and retains its 1987 LEP zoning pending the outcome of this Study (a mix of the former 1(a) (Rural Environmental Constraints and Agriculture) and 1(a)(1) (Rural (Environmental Constraints, Water Catchment and Agriculture) zones. The deferred areas are mostly forested private lands or regrowth areas of casuarina and acacia.

The current RU1 Zone in Eurobodalla includes the mandatory objectives referred to above and the following additional objectives:

- To minimise the visual impact of development on the rural landscape.
- To provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land.

3.4 WHAT IS THE RU2 ZONE?

The RU2 zone was envisaged as a rural agricultural zone where some natural resource and landscape elements warranted definition. It and the RU1 zone are the two main zones that replaced the old 1(a) style zones that existed in most Council LEPs prior to the Standard Instrument.

The Standard Instrument specifies the following mandatory objectives for RU2:

- 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.

3.5 WHICH COUNCILS SURVEYED USE THE RU2 ZONE

The RU2 Zone is not currently used by ESC.

Of the 19 Councils surveyed, the following 8 use the RU2 zone:

- Bega Valley
- Byron
- Clarence Valley
- Coffs Harbour
- Kempsey
- Shoalhaven
- Singleton
- Upper Lachlan
- Yass Valley.

As will be discussed later in this Paper, the interpretation and use of this zone varies quite a deal across the Councils surveyed.

3.6 WHAT IS THE E3 ZONE?

As detailed in Discussion Paper 4, some controversy has arisen in the use of E3 and the draft position of the Department of Planning and Environment now suggests it be limited to areas of verified high biodiversity value.

The Standard Instrument mandates the following objectives for the E3 zone:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

3.7 WHICH COUNCILS SURVEYED USE THE E3 ZONE

The E3 Zone is not currently used by ESC and Council has resolved that alternatives be investigated as part of this Rural Strategy.

Of the 19 Councils surveyed the following 14 use the E3 zone:

- Bega Valley
- Clarence Valley
- Cooma-Monaro
- Greater Taree
- Kempsey
- Palerang
- Richmond Valley
- Shoalhaven
- Singleton
- Snowy River
- Tamworth Regional
- Upper Hunter
- Upper Lachlan
- Yass Valley.

The survey of the 19 Councils found some variation in application of E3 but generally it seems to be being applied to high sensitivity sites such as coastal Endangered Ecological Communities and some Councils are using it to protect the immediate catchments of water supplies.

4 A REVIEW OF THE COUNCILS USING RU2 COMPARED WITH THEIR USE OF RU1 AND E3

Table 5: Use of RU1, RU2 and E3 zones

Zone	RU1	RU2	E3
Byron LEP 2014	Used	Used	Not Used
Clarence Valley LEP 2011	Used	Used	Used
Kempsey LEP 2013	Used	Used	Used
Shoalhaven LEP 2014	Used	Used	Used
Singleton LEP 2013	Used	Used	Used
Upper Lachlan LEP	Used	Used	Used
Yass Valley LEP 2013	Used	Used	Used
Bega Valley LEP 2012	Used	Used	Used
Coffs Harbour LEP 2013	Not Used	Used	Not Used

Legend:	Used
	Not Used

More than half of the Councils surveyed do not use the RU2 zone. Councils that use RU2 also use RU1 except for Coffs Harbour. Councils that use RU2 also use E3 except for Coffs Harbour and Byron Bay (which is currently a deferred matter). A total of five of all 19 Councils surveyed do not use the E3 zone.

The vast majority of the land zoned E3 with the above Councils is located adjacent to or in the vicinity of waterways or heavily vegetated areas with likely biodiversity values.

General observations:

- Coastal Councils generally have more RU2 which reflects the scenic values placed on the landscape (both aesthetic and market values).
- Most RU1 is level land and given the terrain is assumed not to have the same aesthetic value as land zoned RU2 and more often prime agricultural land is located in areas of gentle topography.
- Inland Councils generally have more RU1 than RU2 (relates to comment above).
- There does not seem to be a high consistency in the attributes for selection of RU2 amongst the Councils surveyed that are using this zone. In some cases it has a definite theme of covering more scenic areas, in others it seems to be applied to steeper and more often forested lands and in one or two cases the physical distinction is not at all obvious but there appears to be an application to utilise some variation of permissible uses to contrast RU1. A few Councils use it more extensively than RU1 but most limit its use to specific areas.

Some examples from the Councils surveyed are presented in Appendix 1.

5 A REVIEW OF THE COUNCILS USING RU1 AND E3, BUT NOT RU2

Table 6: Councils with RU1 and E3 but not RU2

Zone	RU1	RU2	E3
Tamworth Regional LEP 2010	Used	Not Used	Used
Richmond Valley LEP 2012	Used	Not Used	Used
Upper Hunter LEP 2013	Used	Not Used	Used
Cooma-Monaro LEP 2013	Used	Not Used	Used
Palerang LEP 2014	Used	Not Used	Used
Snowy River LEP 2013	Used	Not Used	Used

Legend:  Used
 Not Used

Six of the Councils surveyed use RU1, have no RU2 and use E3 to some degree for varying reasons.

General observations:

- The sampled Councils have an extensive agricultural area, and are mostly tableland Councils, quite different to Eurobodalla.
- The scale of E3 use is variable but not extensive and mostly used for water supply catchment or small areas of high biodiversity.

Appendix 2 presents some examples of the use of RU1 and E3 by the Councils sampled.

6 USE OF THE RU4 PRIMARY PRODUCTION SMALL LOTS ZONE

6.1 WHAT IS THE RU4 ZONE?

The initial flavour suggested by the Department of Planning and Environment for use of RU4 was for horticultural areas and other intensive small lot production areas. But most use in the Councils surveyed ranges from small lot farming of 40 ha down to a form of rural residential with hobby scale lots as small as 2 ha – generally of reasonable quality agricultural land.

The Standard Instrument mandates the following objectives:

- 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.

6.2 WHICH COUNCILS SURVEYED ARE USING RU4

Eurobodalla and the following 9 of the 19 Councils surveyed use RU4:

- Bega Valley
- Greater Taree
- Kempsey
- Shoalhaven
- Singleton
- Tamworth Regional
- Upper Hunter
- Upper Lachlan
- Yass Valley.

6.3 RU4 IN THE CONTEXT OF EUROBODALLA

The use of the RU4 zone in Eurobodalla to date is minimal and applies to small hobby scale rural lots 10 ha and less.

The current RU4 Zone in Eurobodalla includes the mandatory objectives referred to above. No additional objectives have been included.

6.4 COMPARISON OF USE OF RU4 ZONES

Table 7: Comparison of Council use of RU4, E4 and R5 in each LGA

Zone	RU4	E4	R5
Eurobodalla LEP 2012	2, 5 and 10 ha lot size		
Byron LEP 2014			
Coffs Harbour LEP 2013			
Greater Taree LEP 2010	20 ha lot size		
Shoalhaven LEP 2014	2 ha lot size		
Clarence Valley LEP 2011			
Kempsey LEP 2013	4-8 ha lot size		
Tamworth Regional LEP 2010	5, 20 and 40 ha lot sizes		
Singleton LEP 2013	40 ha lot size		
Richmond Valley LEP 2012			
Upper Hunter LEP 2013	40 ha lot size		
Upper Lachlan LEP	2 and 10 ha lot size		
Cooma-Monaro LEP 2013			
Palerang LEP 2014			
Snowy River LEP 2013			
Yass Valley LEP 2013	10 and 16 ha lot size		
Bega Valley LEP 2012	2, 10 and 20 ha lot size		
Tenterfield LEP 2013			
Tumut LEP 2012			
Bombala LEP 2012			
Total where not used (out of 19)	10	12	1

Legend:  Used
 Not Used

Of the 10 Councils surveyed who use RU4, 5 appear to use it for real part-time small farms of 20-40 ha and the remaining 5 have lot sizes more at a hobby farm scale. None appeared to apply it to intensive horticultural areas.

The most appropriate lot size for an area will depend on a range of factors. In particular the quality of the soil and access to water will help to define the size of land required to undertake any particular agricultural activity. The existing subdivision pattern and existing environmental constraints will also help to define an appropriate minimum lot size for each area. Some examples of use of RU4 by other Councils are presented in Appendix 3.

7 USE OF THE E4 ENVIRONMENTAL LIVING ZONE COMPARED WITH R5 LARGE LOT RESIDENTIAL

7.1 WHAT IS THE E4 ZONE?

The E4 zone was initially proposed as a form of rural residential where there is native vegetation and some biodiversity and where the emphasis was on low density living in natural surroundings rather than hobby farming. Most of the Councils surveyed who are utilising E4 have employed it in that way.

The Standard Instrument mandates the following objectives:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

7.2 WHICH COUNCILS SURVEYED ARE USING E4

Eurobodalla and the following 7 of the Councils surveyed are using E4:

- Bega Valley
- Cooma-Monaro
- Kempsey
- Palerang
- Shoalhaven
- Singleton
- Yass Valley.

7.3 E4 IN THE CONTEXT OF EUROBODALLA

Eurobodalla uses the E4 zone for rural residential type lots that have important environmental qualities.

The current E4 Zone in Eurobodalla includes the mandatory objectives referred to above and the following additional objectives:

- To protect the size and shape of vegetation remnants if consistent with the protection of assets from bush fire.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.

7.4 WHAT IS THE R5 ZONE?

When the State Government introduced the Standard Instrument in 2006, it did not allow a direct equivalent to the former 1(c) rural residential zone.

As such there is a diversity of approach by Councils with various combinations of R5, E4 and or RU4 covering what was former rural residential zones. R5 implies an urban style large lot zone and a few Councils (e.g. Palerang) are using it exclusively for this. But R5 is most common as a rural residential zone.

The Standard Instrument mandates the following objectives for R5:

- 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.

7.5 WHICH COUNCILS SURVEYED ARE USING R5

Eurobodalla and all Councils surveyed except Tenterfield use R5 (Tenterfield has no rural residential type zones).

7.6 R5 IN THE CONTEXT OF EUROBODALLA

Eurobodalla uses the R5 zone for rural residential type lots that do not have important environmental qualities.

The current R5 Zone in Eurobodalla includes the mandatory objectives referred to above and the following additional objective:

- To provide opportunities for small scale rural activities where compatible with the existing residential accommodation.

7.7 COMPARISON OF USE OF E4 VERSUS R5 ZONES

Table 8: Comparison of use of E4 versus R5 Zones

Zone	E4	R5
Eurobodalla*	Used	Used
Byron LEP 2014*	Not Used	Used
Coffs Harbour LEP 2013	Not Used	Used
Greater Taree LEP 2010	Not Used	Used
Shoalhaven LEP 2014	Used	Used
Clarence Valley LEP 2011	Not Used	Used
Kempsey LEP 2013	Used	Used
Tamworth Regional LEP 2010	Not Used	Used
Singleton LEP 2013	Used	Used
Richmond Valley LEP 2012	Not Used	Used
Upper Hunter LEP 2013	Not Used	Used
Upper Lachlan LEP	Not Used	Used
Cooma-Monaro LEP 2013	Used	Used
Palerang LEP 2014	Used	Used
Snowy River LEP 2013	Not Used	Used
Yass Valley LEP 2013	Used	Used
Bega Valley LEP 2012	Used	Used
Tenterfield LEP 2013	Not Used	Not Used
Tumut LEP 2012	Not Used	Used
Bombala LEP 2012	Not Used	Used
Total where not used out of a total of 19	12	1

Legend:  Used
 Not Used

* These Council LEPs include some deferred areas. Therefore, the full suite of zones used may change upon consideration of the most appropriate zoning for those deferred areas.

Table 9: Councils included in survey that use both E4 and R5

Zone	E4	R5
Eurobodalla	Used	Used
Shoalhaven LEP 2014	Used	Used
Kempsey LEP 2013	Used	Used
Singleton LEP 2013	Used	Used
Cooma-Monaro LEP 2013	Used	Used
Palerang LEP 2014	Used	Used
Yass Valley LEP 2013	Used	Used
Bega Valley LEP 2012	Used	Used

Legend:  Used
 Not Used

Across the surveyed Council areas, the E4 zoned areas in the main appear to be former “1(c)” style areas which have a high proportion of native vegetation cover. Some areas of E4 are partly cleared agricultural lands that appear to be medium sized “hobby farms”, some may be more ‘lifestyle lot’ smaller style holdings. R5 generally has less biodiversity value and more cleared land.

Eurobodalla’s use of E4 seems more clearly confined to vegetated rural residential areas than some of the sampled Councils.

Some examples of the approach of the sampled Councils are presented in Appendix 4.

8 USE OF ENVIRONMENTAL MAPPING OVERLAYS

8.1 WHAT IS AN LEP OVERLAY?

An overlay is a type of map that identifies certain land characteristics. It “overlays” other maps such as a zoning map and provides another layer of information or control.

All overlays in local environmental plans become a matter for consideration when a development application is under consideration over land where an overlay applies. The determining authority, usually the local Council, is required to apply the relevant clause in the LEP that links to the particular overlay.

There are a diversity of overlays in use, ranging from hazard warning overlays concerning acid sulfate soils, flooding and coastal hazards to environmental protection overlays covering things like riparian lands and terrestrial biodiversity.

Part 6 of the Standard Instrument format is where Councils insert additional local provisions in their individual LEPs and is the usual Part where clauses relating to overlays are placed. Each overlay generally has its own subclause which links to the overlay map then lists matters for consideration when the Council is reviewing a development application that falls within an overlay area.

There is wide acceptance that hazard warning overlays are beneficial and should be retained in LEPs where the hazards (e.g. known flood limits) can be mapped.

But as discussed in detail in Discussion Paper 4, the NSW Department of Planning has the use of E zones and environmental overlays under review following the North Coast E zones review. Council has also called for a review of options regarding the Terrestrial Biodiversity overlay in particular as part of the Rural Strategy. It is therefore of some use to investigate what the sample Councils have done in their LEPs and that is the focus of the remainder of this Section.

8.2 TERRESTRIAL BIODIVERSITY OVERLAYS

As summarised in Table 2, 11 of the 19 Councils surveyed have a form of terrestrial biodiversity overlay in their LEP. This Section reviews that sample.

Also, a survey of the NSW Legislation website in 2014 found 83 Councils (approximately 60% of all Councils with the Standard Instrument format LEP) had some form of terrestrial biodiversity overlay.

Below is a typical terrestrial biodiversity clause that would be sited in Section 6 of a Council’s LEP.

6.5 Terrestrial biodiversity

- (1) *The objective of this clause is to maintain terrestrial biodiversity by:*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
 - (a) *whether the development is likely to have:*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised – the development will be managed to mitigate that impact.*

8.3 COUNCILS THAT USE A TERRESTRIAL BIODIVERSITY OVERLAY

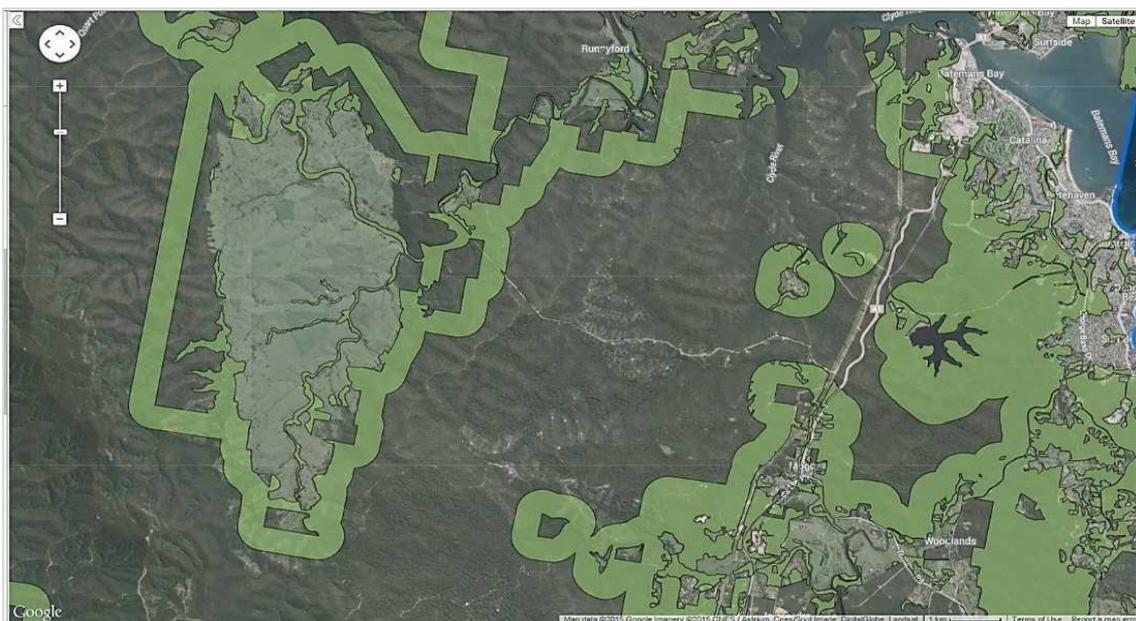
Eurobodalla and the following 12 of the 19 Councils surveyed use the Terrestrial Biodiversity overlay:

- Bega Valley
- Bombala
- Coffs Harbour
- Cooma-Monaro
- Palerang
- Richmond Valley
- Shoalhaven
- Snowy River
- Tumut
- Upper Hunter
- Upper Lachlan
- Yass Valley

8.4 TERRESTRIAL BIODIVERSITY OVERLAYS IN THE CONTEXT OF EUROBODALLA

Eurobodalla has a map of terrestrial biodiversity applying in LEP 2012. As a result of the deferral of some lands from the LEP, the biodiversity overlay (along with all other overlays and LEP provisions) do not apply to land that continues to be zoned under the Rural LEP 1987. As part of this Rural Lands Strategy, Council has required the consultants to review and report on alternatives to the use of LEP overlays. Refer to Discussion Paper 4 and Section 14.2 of this Paper for further consideration of this matter.

Sample areas of the Eurobodalla Terrestrial Biodiversity Overlay in LEP 2012.



Note: Green colour on these maps is Biodiversity layer.

8.5 A REVIEW OF COUNCILS USING THE TERRESTRIAL BIODIVERSITY OVERLAY

Appendix 5 provides map shots of the Terrestrial Biodiversity overlay applying across the 12 sample Councils. The following comments are drawn from that survey:

- 9 of the Councils use the overlay extensively to cover most of the extant native vegetation.
- Excluding the deferred areas of the current Eurobodalla overlay, the Eurobodalla mapping appears very similar in approach to the above 9.
- The remaining 3 Councils surveyed make more limited use of the biodiversity overlay and it would appear they may be limiting it to higher value habitat such as Endangered Ecological Communities and similar.

9 A REVIEW OF PERMISSIBLE USES IN THE RU1 PRIMARY PRODUCTION ZONE

This Section explores the permissible uses applying in the RU1 zone of the sample Councils where there are differences with Eurobodalla's permissible uses table. Some uses of possible merit for addition to the Eurobodalla plan are highlighted for further consideration.

9.1 CURRENT PERMISSIBLE USES IN THE RU1 ZONE IN EUROBODALLA LEP 2012

Taken from ESC LEP 2012 (black is required as per Standard Instrument, red is as prescribed by ESC).

Permitted without consent – (Extensive agriculture; Home occupations) **Environmental protection works; Forestry, Home occupations.**

Permitted with consent – (Dwelling houses; Extractive industries; Open cut mining) **Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Freight transport facilities; Funeral homes; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Liquid fuel depots; Mortuaries; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; **Tourist and visitor accommodation**; Transport depots; Truck depots; Veterinary hospitals; Water supply systems.**

Prohibited – **Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.**

9.2 COMMENTS

Tourist and visitor accommodation is permitted with consent (which by definition as specified in the LEP includes – backpackers' accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, serviced apartments, but does not include: camping grounds, caravan parks, or eco-tourist facilities). ESC include campgrounds and eco-tourist facilities as a permitted use while prohibiting hotel or motel accommodation and serviced apartments. This approach is somewhat confusing to the general public as it reads as a double negative and for clarity it may be considered listing just the permitted and/or prohibited uses rather than the overarching term of 'tourist and visitor accommodation'.

There are other permissible or exempt uses applying in the RU1 and other rural zones through other Plans or legislation. For example, private native forestry is permissible with consent under the *Native Vegetation Act 2003*. A whole range of more minor developments from farm buildings, to home industries and home businesses do not need consent as defined in State Environmental Planning Policy Exempt and Complying Development Codes 2008, provided developers comply with the requirements of that policy.

9.3 REVIEW OF PERMISSIBLE USES IN THE RU1 ZONE ACROSS A SAMPLE OF COUNCILS

Generally, the uses permissible in the Eurobodalla RU1 zone are comparable and in some cases more generous than some of the sampled Councils.

The following Table 10 focuses on listing uses employed in one or more of the sampled Councils that are not already permissible in the Eurobodalla RU1 zone.

Only four of the uses not in the current Eurobodalla LEP are suggested for possible addition:

- Education facilities and establishments – Public schools would be permissible under SEPP Infrastructure but possibly suitable to have consideration of private education options.
- Function centres – Reception centres and similar seem supportable in low impact locations subject to assessment.
- Information and education facilities – This category includes many rural tourist related activities such as galleries.
- Places of public worship – Not unreasonable to site some religious centres in the rural area.

Council has already resolved to add boat building and repair facilities.

Rural workers dwellings are not needed as dual occupancy is permissible and is a less constrained definition.

9.4 REVIEW OF PERMISSIBLE USES IN THE RU1 ZONE ACROSS A SAMPLE OF COUNCILS

The following Table lists uses not listed in the Eurobodalla LEP 2012. The uses marked in yellow may be worthy of consideration for inclusion.

For the full definition of any use see the dictionary in the Standard Instrument: <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/Resources>

Table 10: Permissible Uses RU1

Permissible Uses RU1																			
	Byron LEP 2014	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tenterfield LEP 2013	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Boat building and repair facilities			Y															Y	2
Caravan parks							Y	Y				Y	Y	Y				Y	6
Charter and tourism boating facilities			Y		Y			Y					Y	Y	Y			Y	7
Child care centres													Y						1
Educational facilities/establishments			Y		Y			Y					Y					Y	5
Emergency services facilities									Y										1
Food and drink premises			Y																1
Function centres									Y			Y		Y	Y				4
Garden centres										Y		Y	Y		Y				4

Permissible Uses RU1																			
	Byron LEP 2014	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tenterfield LEP 2013	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Group homes			Y		Y														2
Hardware and building supplies										Y					Y				2
Hazardous industries							Y												1
Health services facilities								Y											1
Health consulting rooms				Y															1
Heavy industrial storage establishments							Y								Y			Y	3
High technology industries														Y					1
Home occupations (sex services)				Y												Y			2
Hospitals					Y														1
Industrial retail outlets	Y													Y					2
Industrial training facilities	Y				Y							Y	Y	Y				Y	6
Industries															Y			Y	2
Information and education facilities			Y				Y		Y			Y	Y	Y	Y			Y	8
Kiosks						Y		Y											2

Permissible Uses RU1																			
	Byron LEP 2014	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tenterfield LEP 2013	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Light industries										Y									1
Marinas			Y		Y													Y	3
Markets			Y											Y					2
Mooring pens			Y		Y								Y					Y	4
Moorings			Y		Y	Y	Y	Y					Y					Y	7
Neighbourhood shops				Y								Y						Y	3
Offensive industries			Y				Y												2
Office premises											Y								1
Places of public worship	Y		Y		Y		Y	Y	Y			Y	Y	Y	Y			Y	11
Public administration buildings																		Y	1
Registered clubs																		Y	1
Respite day care centres									Y				Y						2
Restaurants or cafes	Y							Y		Y		Y		Y	Y				6
Rural workers dwellings	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y		Y	Y	16
Service stations							Y	Y				Y						Y	4

Permissible Uses RU1																			
	Byron LEP 2014	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tenterfield LEP 2013	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Serviced apartments														Y					1
Signage				Y	Y			Y	Y			Y		Y				Y	7
Storage premises															Y			Y	2
Timber yards										Y			Y	Y					3
Vehicle body repair workshops															Y				1
Vehicle repair stations															Y				1
Warehouse or distribution centres																		Y	1
Waste or resource management facilities														Y					1
Water recreation structures (*ESC includes jetties and boat launching ramps, but not a pier or wharf)			Y		Y			Y	Y				Y	Y				Y	7
Water recycling facilities												Y							1
Wharf or boating facilities					Y				Y				Y						3
Wholesale supplies															Y				1

10 A REVIEW OF PERMISSIBLE USES IN THE RU4 PRIMARY PRODUCTION SMALL LOT ZONE

This Section explores the permissible uses applying in the RU4 zone of the sample Councils where there are differences with Eurobodalla's permissible uses table. Some uses of possible merit for addition to the Eurobodalla plan are highlighted for further consideration.

10.1 CURRENT PERMISSIBLE USES IN RU4 ZONE IN THE EUROBODALLA LEP 2012

Taken from ESC LEP 2012 (black is required as per Standard Instrument, red is as prescribed by ESC).

Permitted without consent – (Home occupations) **Environmental protection works; Extensive agriculture.**

Permitted with consent – (Dwelling houses; Plant nurseries) **Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Recreational facilities (outdoor); Roads; Roadside stalls; Rural supplies; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems.**

Prohibited – **Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments;** Any other development not specified in item 2 or 3.

10.2 COMMENTS

See comments in the Section on RU1 zone regarding 'tourist and visitor accommodation' (refer to above highlighted in bold).

There are other permissible or exempt uses applying in the RU4 and other rural zones through other Plans or legislation. For example, private native forestry is permissible with consent under the *Native Vegetation Act 2003*. A whole range of more minor developments from farm buildings, to home industries and home businesses do not need consent as defined in State Environmental Planning Policy Exempt and Complying Development Codes 2008, provided developers comply with the requirements of that policy.

10.3 REVIEW OF OTHER PERMISSIBLE USES IN THE RU4 ZONE AS USED BY OTHER COUNCILS SURVEYED

As with RU1, the RU4 zone in Eurobodalla generally has as wide a range of permissible uses as the other Councils surveyed.

Table 11 below lists those uses in some other Council's RU4 zones not currently listed in Eurobodalla. The following uses (marked in yellow in the table) may be worthy of consideration for inclusion.

- Dual occupancies – attached dual occupancies are already permissible and no real reason not to allow consideration of detached. The zone lots have plenty of area to accommodate two dwellings in most cases and the clauses prohibit subdivision below lot size.
- Function centres – allowing consideration of tourist related function centres seems justified subject to DA assessment of merit.

For the full definition of any use term see: <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/Resources>.

Table 11: Permissible Uses RU4

Permissible Uses RU4										
	Greater Taree LEP 2010	Shoalhaven LEP 2014	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Upper Hunter LEP 2013	Upper Lachlan LEP	Yass Valley LEP 2013	Bega Valley LEP 2012	Sum Used by Councils
Airstrips					Y					1
Cemeteries			Y					Y		2
Charter and tourism boating facilities			Y							1
Community facilities		Y	Y		Y	Y				4
Correctional centres			Y							1
Crematoria			Y							1
Dual occupancies – detached. (*ESC specifies 'attached' only)								Y		1
Emergency services facilities						Y			Y	2
Forestry	Y		Y		Y	Y				4
Function centres					Y			Y		2
Garden centres							Y		Y	2

Permissible Uses RU4										
	Greater Taree LEP 2010	Shoalhaven LEP 2014	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Upper Hunter LEP 2013	Upper Lachlan LEP	Yass Valley LEP 2013	Bega Valley LEP 2012	Sum Used by Councils
Group homes			Y							1
Helipads					Y					1
High technology industries								Y		1
Industrial retail outlets								Y		1
Information and education facilities					Y					1
Intensive livestock agriculture						Y				1
Jetties			Y			Y				2
Kiosks				Y						1
Marinas			Y							1
Markets				Y				Y		2
Mooring pens			Y							1
Moorings			Y							1
Places of public worship			Y					Y		2
Recreation areas		Y			Y	Y				3
Respite day care centres							Y			1
Restaurants or cafes					Y			Y		2
Rural industries (except agricultural produce industries)					Y					1
Rural workers dwellings			Y	Y			Y			3
Schools	Y									1
Secondary dwellings					Y					1
Sewerage systems					Y		Y			2
Signage (advertising structure)			Y				Y	Y		3
Stock and sale yards							Y			1
Truck depots								Y		1

Permissible Uses RU4										
	Greater Taree LEP 2010	Shoalhaven LEP 2014	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Upper Hunter LEP 2013	Upper Lachlan LEP	Yass Valley LEP 2013	Bega Valley LEP 2012	Sum Used by Councils
Water recreation structures			Y				Y			2
Wharf or boating facilities			Y				Y			2
Any other development not specified in item 2 or 4				Y			Y			2

11 A REVIEW OF PERMISSIBLE USES IN THE R5 LARGE LOT RESIDENTIAL ZONE

This Section explores the permissible uses applying in the R5 zone of the sample Councils where there are differences with Eurobodalla's permissible uses table. Some uses of possible merit for addition to the Eurobodalla plan are highlighted for further consideration.

11.1 CURRENT PERMISSIBLE USES IN THE R5 IN THE EUROBODALLA LEP 2012

Taken from ESC LEP 2012 (black is required as per Standard Instrument, red is as prescribed by ESC).

Permitted without consent – (Home occupations) **Bee keeping; Environmental protection works.**

Permitted with consent – (Dwelling houses) **Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; Dual occupancies (attached); Eco-tourist facilities; Environmental facilities; Home-based child care; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Viticulture; Water supply systems.**

Prohibited – **Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.**

11.2 COMMENTS

Refer to RU1 previous comments above regarding use of term 'tourist and visitor accommodation' (refer to above highlighted in bold).

There are other permissible or exempt uses applying in the R5 through other Plans or legislation. For example, a whole range of more minor developments from pergolas, to home industries and home businesses do not need consent as defined in State Environmental Planning Policy Exempt and Complying Development Codes 2008, provided developers comply with the requirements of that policy.

Grazing is an exempt development in ELEP 2012 in the R5 zone. It is recommended extensive agriculture be permissible without consent in the R5 zone.

11.3 A REVIEW OF PERMISSIBLE USES IN R5 BY OTHER COUNCILS

The R5 zone in Eurobodalla generally has most of the more likely uses to be sought that other sampled Councils list in their LEPs for R5.

Table 12 below lists uses in the other Council's plans not in the current Eurobodalla R5.

Only four are considered of value to add to the Eurobodalla R5 zone:

- Aquaculture – small scale aquaculture could be accommodated in R5.
- Extensive agriculture occurs widely now in R5, and given bee keeping and grazing are already permitted without consent, there seems no reason not to make the full definition permissible without consent.
- Farm buildings – some minor agriculture use occurs in the R5 zone and such buildings warrant consideration subject to DA.
- Plant nurseries – would seem to sit acceptably within the zone objectives at small scale and subject to DA.

The following Table lists uses not listed in the Eurobodalla LEP 2012. The uses marked in yellow may be worthy of consideration for inclusion.

For a full definition of any use see: <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/Resources>.

Table 12: Permissible Uses R5

Permissible Uses R5																			
	Byron LEP 2014	Coffs Harbour LEP 2013	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Agricultural produce industries														Y					1
Animal boarding or training establishments	Y	Y										Y		Y	Y				5
Aquaculture		Y										Y							2
Boat launching ramps		Y							Y					Y					3
Boat sheds									Y	Y		Y		Y					4
Camping grounds		Y										Y							2
Caravan parks												Y			Y				2
Cemeteries												Y							1
Charter and tourism boating facilities														Y					1
Depots												Y							1
Electricity generating works												Y							1

Permissible Uses R5																			
	Byron LEP 2014	Coffs Harbour LEP 2013	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Emergency services facilities		Y		Y					Y	Y				Y	Y				6
Entertainment facilities		Y										Y							2
Exhibition homes/villages				Y	Y				Y	Y				Y	Y				6
Extensive agriculture (except bee keeping and grazing)	Y	Y	Y	Y	Y	Y			Y	Y		Y	Y	Y	Y	Y	Y	Y	15
Farm buildings					Y				Y			Y	Y	Y	Y				6
Flood mitigation works		Y			Y				Y	Y			Y	Y					6
Forestry														Y					1
Function centres												Y							1
Funeral homes												Y							1
Garden centres												Y		Y				Y	3
Group homes		Y		Y		Y		Y	Y				Y	Y	Y				8
Helipads												Y							1
High technology industries															Y				1
Home occupations (sex services)					Y							Y							2

Permissible Uses R5																			
	Byron LEP 2014	Coffs Harbour LEP 2013	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Horticulture	Y									Y									2
Information and education facilities		Y			Y				Y	Y		Y		Y	Y				7
Intensive plant agriculture														Y			Y		2
Jetties		Y							Y	Y				Y					4
Landscaping material supplies												Y				Y		Y	3
Markets							Y					Y							2
Mooring pens														Y					1
Moorings							Y							Y					2
Neighbourhood shops	Y	Y		Y	Y	Y	Y	Y		Y			Y	Y				Y	11
Plant nurseries	Y									Y		Y				Y		Y	5
Recreation facilities (indoor/outdoor)		Y										Y	Y						3
Research stations		Y								Y									2
Rural supplies											Y								1
Rural workers dwellings														Y					1

Permissible Uses R5																			
	Byron LEP 2014	Coffs Harbour LEP 2013	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Hunter LEP 2013	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Tumut LEP 2012	Bombala LEP 2012	Sum Used by Councils
Signage (advertising structure)									Y	Y		Y			Y				4
Transport/truck depots												Y			Y				2
Veterinary hospitals		Y										Y		Y	Y				4
Water recreation structures		Y							Y	Y				Y					4
Wharf or boating facilities										Y									1
Any other development not specified in item 2 or 4	Y					Y	Y	Y			Y					Y		Y	7

12 A REVIEW OF PERMISSIBLE USES IN THE E4 ENVIRONMENTAL LIVING ZONE

This Section explores the permissible uses applying in the E4 zone of the sample Councils where there are differences with Eurobodalla's permissible uses table. Some uses of possible merit for addition to the Eurobodalla plan are highlighted for further consideration.

12.1 CURRENT PERMISSIBLE USES IN THE E4 ZONE OF EUROBODALLA LEP 2012

Taken from ESC LEP 2012 (black is required as per Standard Instrument, red is as prescribed by ESC).

Permitted without consent – (Home occupations) **Bee keeping; Environmental protection works.**

Permitted with consent – (Dwelling houses) **Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Dual occupancies (attached); Eco-tourist facilities; Emergency services facilities; Farm buildings; Group homes; Home-based child care; Home businesses; Home industries; Horticulture; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Viticulture; Water supply systems.**

Prohibited – (Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3); **Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Industries; Serviced apartments.**

12.2 COMMENTS

Refer to RU1 previous comments above regarding use of term 'tourist and visitor accommodation' (refer to above highlighted in bold).

There are other permissible or exempt uses applying in the E4 through other Plans or legislation. For example, a whole range of more minor matters from pergolas, to home industries and home businesses do not need consent as defined in State Environmental Planning Policy Exempt and Complying Development Codes 2008 (SEPP), provided developers comply with the requirements of that policy.

Grazing is an exempt development in E4EP 2012 in the E4 zone, as are any uses that are exempt under the SEPP in the RU4 zone. It is also recommended extensive agriculture be permissible without consent in the E4 zone.

12.3 A REVIEW OF PERMISSIBLE USES IN THE E4 ZONE BY OTHER COUNCILS SURVEYED

The range of permissible uses in the Eurobodalla E4 zone are as wide as many of the sampled Councils.

Table 14 lists uses in the other Council plans not in the Eurobodalla LEP, but only 3 are considered warranted to add:

- Community facilities – uses such as a community building may be sought in some E4 areas and could be permissible with consent.
- Environmental facility – this use would seem to satisfy the zone objectives.
- Extensive agriculture – this use is occurring to a small degree, and given bee keeping and grazing is already permitted without consent, the full definition could be permissible without consent.

For a full explanation of any definition see: <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/Resources>.

Table 13: Permissible Uses E4

Permissible Uses E4								
	Shoalhaven LEP 2014	Kempsey LEP 2013	Singleton LEP 2013	Cooma-Monaro LEP 2013	Palerang LEP 2014	Yass Valley LEP 2013	Bega Valley LEP 2012	Sum Used by Councils
Animal boarding or training establishments					Y			1
Boat launching ramps		Y						1
Boat sheds		Y						1
Car parks				Y				1
Caravan parks						Y		1
Cemeteries				Y				1
Charter and tourism boating facilities		Y						1
Community facilities				Y	Y		Y	3
Electricity generating works		Y		Y				2
Entertainment facilities				Y				1
Environmental facilities	Y	Y	Y	Y		Y	Y	6

Permissible Uses E4								
Extensive agriculture (except bee keeping and grazing)		Y		Y	Y	Y	Y	5
Flood mitigation works		Y			Y	Y	Y	4
Function centres				Y	Y	Y		3
Home occupations (sex services)		Y		Y				2
Information and education facilities				Y	Y			2
Intensive plant agriculture					Y			1
Jetties		Y					Y	2
Moorings		Y						1
Neighbourhood shops					Y			1
Places of public worship				Y	Y		Y	3
Plant nurseries					Y			1
Recreation areas			Y	Y	Y	Y	Y	5
Research stations				Y				1
Restaurants or cafes					Y		Y	2
Rural workers dwellings		Y						1
Signage (advertising structures)						Y		1
Waste or resource transfer stations				Y	Y			2
Water recreation structures		Y					Y	2
Wharf or boating facilities		Y						1

13 A REVIEW OF PERMISSIBLE USES IN THE E2 ENVIRONMENTAL CONSERVATION ZONE

This Section explores the permissible uses applying in the E2 zone of the sample Councils where there are differences with Eurobodalla's permissible uses table. Some uses of possible merit for addition to the Eurobodalla plan are highlighted for further consideration.

13.1 CURRENT PERMISSIBLE USES IN THE E2 ZONE OF EUROBODALLA LEP 2012

Taken from ESC LEP 2012 (black is required as per Standard Instrument, red is as prescribed by ESC).

Permitted without consent – **Environmental protection works.**

Permitted with consent – **Environmental facilities; Sewerage systems; Water recreation structures; Water supply systems.**

Prohibited – Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

13.2 COMMENTS

ESC have not permitted many uses outside of those prescribed by the Standard Instrument. Many other Councils surveyed have allowed quite a range of other uses, although not many are common or across the board. Table 13 lists uses in other sampled Council E2 zones that are not in the Eurobodalla E2 zone. Given the limited use of the E2 zone to wetlands, littoral rainforests and some foreshore areas, none of the uses listed in the table are considered appropriate for addition.

Council has already resolved to add camping grounds and roads.

It is recommended Council make extensive agriculture permissible without consent in E2 and foster acceptance of the need to protect wetlands through education and publicity rather than forcing development applications for minor grazing activities where landowners do not already enjoy existing use rights.

13.3 A REVIEW OF PERMISSIBLE USES IN THE E2 ZONE BY OTHER COUNCILS SURVEYED

The following Table lists uses not listed in the Eurobodalla LEP 2012. The uses marked in yellow may be worthy of consideration for inclusion. For a full definition of uses see: <http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Environmental-Plans/Resources>.

Table 14: Permissible Uses E2

Permissible Uses E2															
	Coffs Harbour LEP 2013	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Sum Used by Councils
Aquaculture			Y												1
Bed & Breakfast Accommodation (if a dwelling exists why not permit B&B)	Y		Y								Y				3
Boat launching ramps					Y									Y	2
Boat sheds			Y											Y	2
Camping grounds	Y														1
Community facilities	Y										Y			Y	3
Dwelling houses	Y	Y	Y						Y						4
Eco-tourist facilities	Y	Y	Y												3

Permissible Uses E2															
	Coffs Harbour LEP 2013	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Sum Used by Councils
Emergency services facilities	Y		Y	Y											3
Extensive agriculture	Y				Y				Y	Y		Y			5
Bee keeping	Y														1
Farm buildings												Y			1
Farm stay accommodation											Y				1
Flood mitigation works	Y	Y		Y	Y	Y									5
Home-based child care	Y				Y						Y				3
Home businesses	Y		Y		Y						Y				4
Home occupations	Y	Y			Y						Y				4
Home occupations (sex services)					Y										1
Information and education facilities	Y					Y		Y	Y						4
Jetties					Y			Y						Y	3
Moorings					Y										1
Recreation areas			Y			Y				Y					3

Permissible Uses E2															
	Coffs Harbour LEP 2013	Greater Taree LEP 2010	Shoalhaven LEP 2014	Clarence Valley LEP 2011	Kempsey LEP 2013	Tamworth Regional LEP 2010	Singleton LEP 2013	Richmond Valley LEP 2012	Upper Lachlan LEP	Cooma-Monaro LEP 2013	Palerang LEP 2014	Snowy River LEP 2013	Yass Valley LEP 2013	Bega Valley LEP 2012	Sum Used by Councils
Research stations	Y		Y			Y				Y		Y	Y		6
Roads	Y				Y		Y	Y	Y	Y	Y		Y	Y	9
Signage													Y		1
• Building identification signs	Y					Y					Y			Y	4
• Business identification signs						Y					Y				2
Wharf or boating facilities					Y										1

14 IDENTIFICATION OF ISSUES AND OPTIONS FOR THE RURAL STRATEGY

As indicated earlier in this Discussion Paper final recommendations for zoning, overlays and permitted uses in the Eurobodalla LEP rural areas will be developed in Discussion Papers 9 and 10.

However, the following is an option summary and refinement.

14.1 ZONING

14.1.1 Use of RU1 Primary Production Zone versus RU2 Rural Landscape Zone

Almost all rural Councils have some RU1 zone. A few have opted for mostly or entirely RU2 Rural Landscape and a number have a mix of both zones.

There seems to be a variety of parameters used by Councils in selecting RU2. Some seem to be quite strict in selecting lands of high scenic value. Others seem to use it instead of E zones in that they apply it to extant native vegetation. Yet others just seem to be utilising the scope for a separate zone in the rural areas for some distinction. For example, perhaps mapping most high quality agricultural land RU1 and the rest RU2.

Our preliminary view is there does not seem to be an argument for RU2 in Eurobodalla. In many aspects, the whole Shire is high quality landscapes – some such as Tilba recognised of national or even international quality. But dividing lines in such quality would be very subjective and a significant component of the visual quality is in fact high quality agricultural land.

14.1.2 Use of E2 Environmental Conservation

Eurobodalla's use of E2 seems appropriate as currently structured and is similar in approach to many other Councils utilising this zone. It conforms with current DPE thinking of having to be based on verified data establishing very high environmental sensitivity such as wetlands.

14.1.3 Use of E3 Environmental Management

The current deferred areas in Eurobodalla were initially proposed for E3 zoning. Council has resolved not to include E3 zoning.

Many Councils have either contained the use of E3 or do not use it and instead rely on overlays such as terrestrial biodiversity.

Few have biodiversity overlays over E3 as well.

The use of environmental overlays is recommended and discussed in more detail in Section 14.2.

14.1.4 Use of RU4 Primary Production Small Lot Zone

The RU4 zone is interpreted differently by the various Councils using it in their LEPs.

Mostly the land is reasonable quality agricultural land, although some Councils have included a proportion of lands with extant native vegetation. Some, including Eurobodalla, have set lot sizes quite small which raises a question as to the real difference with R5 zoning (in Eurobodalla, RU4 has been limited to existing smaller lot rural areas with good soils, while R5 has been applied to areas that are mostly rural living). Other Councils have set minimums of 20 to 40 ha which seem more appropriate in the context of the coast or tablelands agriculture to qualify as a small lot agricultural enterprise – perhaps with some prospects of generating a small net income for the operator.

It seems appropriate for Eurobodalla to review its use of the RU4 zone and if additional RU4 areas are considered, they could define true small farm lot areas with lots sizes around 20 ha, the existing subdivision pattern and the intended future direction for the use of the land.

There is also a suggestion the Minister may consider reintroducing a true rural residential zone as an additional option – similar to the 1(c) style zone widely in use before the Standard Instrument. However, as at time of drafting this Paper there is no definite proposal. As such Council has no additional options currently to choose from.

14.1.5 Use of R5 Large Lot Residential and E4 Environmental Living Zones

There is reasonable consistency in the use of E4 and R5 zones across the Councils surveyed and from wider sampling. E4 is mostly used where rural residential land has some extant native vegetation and or related environmental values such as proximity to waterways. Whereas normally R5 is applied to less constrained rural residential land.

Use in Eurobodalla of the two zones to date seems appropriate and there appears to be market niches for both types of living environment. Uptake of both zones has been similar as detailed in Discussion Paper 10.

14.2 ENVIRONMENTAL OVERLAYS

Council has resolved not to use E3 zone in the Eurobodalla LEP and overall that decision is supported.

But the topic should still be discussed in the context of the review of the sampled Councils and current State Government investigations as detailed in Discussion Paper 4 with respect to the North Coast review of E zones and overlays.

The options with respect to environmental overlays seem to cover:

1. Utilise E zones and not use overlays over the same land.
2. Utilise overlays in the LEP but do not use E zones over the same land as overlays.
3. Do not use either E zones or overlays and rely on more informal working plans Council may retain or house in a DCP or guide.
4. A fourth option is that the environmental overlays are included in State level plans like the Regional Growth Plans.

We recommend that Council maintain both a riparian and a native vegetation overlay of the rural areas not zoned E2.

The arguments and options for overlays are also developed in Discussion Paper 4 but include:

- Overlays are only triggered when a DA is required. The use of E zones means more limited permissible uses and stronger environmental objectives and this is not always warranted across all vegetated rural land.
- Transparency. The information exists and is reasonably accurate for the purpose of identifying when more environmental analysis may be needed in a DA. It is better this public information be available so prospective developers have more guidance available early in the process of preparing a DA. Without an overlay, land owners may be unaware of the environmental considerations that need to be taken into account when preparing a development application for development of their land. With an overlay in place, there are no surprises, and the land owner will avoid any unnecessary redesigning of development, saving them both time and money.
- At this point, it seems likely that high value biodiversity areas may be mapped in the proposed South East Regional Growth Plan. Such mapping will be difficult to read at a local scale. Therefore, it is appropriate to include such mapping in the LEP at a local scale and detail in the form of an overlay. This also avoids the need for prospective developers to have to review multiple plans.

14.3 PERMITTED USES

The range of permissible uses in the current Eurobodalla LEP 2012 are quite wide and reasonable. Some minor possible additions are listed below with discussion points.

There is also an issue of possible making the permissible uses a little more clear where generic terms like 'tourist and visitor accommodation' are used that cover a number of more specialised use definitions. The current LEP often has tourist and visitor accommodation permissible in rural zones but then prohibits elements of that broader definition such as motels. The legal function of the plan is correct and the prohibitions appear justified, but for laypersons reading the LEP this is cumbersome and confusing. It is better in these cases to remove the wider term and only specify the actual uses permitted or prohibited.

If Eurobodalla resolves to retain the RU1 as the zone for the bulk of the rural area, some minor widening of permissible uses is warranted and merit assessment and guideline level controls can protect genuine agricultural potential.

Following the survey of 19 Councils and general reading of the range of permissible uses, the following are recommended for consideration as additions to the Eurobodalla LEP 2012:

Table 15: RU 1 zone

Suggested Additional Uses	Comment
Education facilities/ establishments	Public schools would be permissible under SEPP Infrastructure but possibly suitable to have consideration of private education options.
Function centres	Reception centres and similar seem supportable in low impact locations subject to assessment.
Information and education facilities	This category includes many rural tourist related activities such as galleries.
Places of public worship	Not unreasonable to site some religious centres in the rural area.

Table 16: RU4 zone

Suggested Additional Uses	Comment
Detached dual occupancies	Attached dual occupancy is permissible and lots are large enough for the flexibility of detached dual occupancy.
Function centres	Allowing consideration of tourist related function centres seems justified subject to DA assessment of merit.

Table 17: R5 zone

Suggested Additional Uses	Comment
Aquaculture	A small aquaculture activity might be accommodated in R5, with consent.
Extensive agriculture	Very small scale extensive agriculture is common now in the R5. Grazing and bee keeping are already permissible without consent. It is recommended extensive agriculture be permissible without consent.
Farm buildings	Ancillary farm style buildings may be justified in R5, with consent.
Plant nurseries	A reasonable activity in R5 subject to impact assessment re neighbour amenity protection.

Table 18: E4 zone

Suggested Additional Uses	Comment
Community facility	Seems reasonable with assessment of merit.
Environmental facility	Seems to meet zone objectives.
Extensive agriculture	Very small scale extensive agriculture is common now in the E4. Grazing and bee keeping are already permissible without consent. It is recommended extensive agriculture be permissible without consent.

Table 19: E2 zone

Suggested Additional Uses	Comment
Extensive agriculture	Very small scale extensive agriculture is common now in the E2. It is recommended extensive agriculture be permissible without consent.

15 PREFERRED OPTIONS AND STRATEGIES

Deliberately this Discussion Paper does not make final recommendations on use of zones, overlays or preferred uses. It is a data resource paper and discussion of preferred options and strategies is left to Discussion Papers 9 and 10.

16 APPENDICES

Appendices 16.1 to 16.5 present mapping of the approaches of a sample of 19 other coastal or tableland Councils with respect to their application of various zones and overlays.

The survey of the 19 Councils was effected only as a desktop survey given the limitations of project budget. The mapping used in this review was based on the NSW Government Planning Viewer:

Map Source: NSW Government Planning Viewer

<https://maps.planningportal.nsw.gov.au/Map?lga=6610&layers=ASS&level=13>

Some cross checking of zoning was also preformed using the official LEP maps as located on the NSW Legislation web site: <http://www.legislation.nsw.gov.au/front>

Disclaimer: The mapping on the NSW Government Plan Viewer has some accuracy limitations, with the Legislation site being the only official site for verification of gazetted and current LEP maps. GBPS has effected some cross checking against the Legislation map site but only to sample level given budget constraints and as such some inaccuracies could present in the data. However, the overview provided by the work is still a sound basis to review the approach of other Councils and present Eurobodalla Council with some options for resolution of its zoning choices.

16.1 APPENDIX 1: A REVIEW OF THE COUNCILS USING RU2 COMPARED WITH THEIR USE OF RU1 AND E3

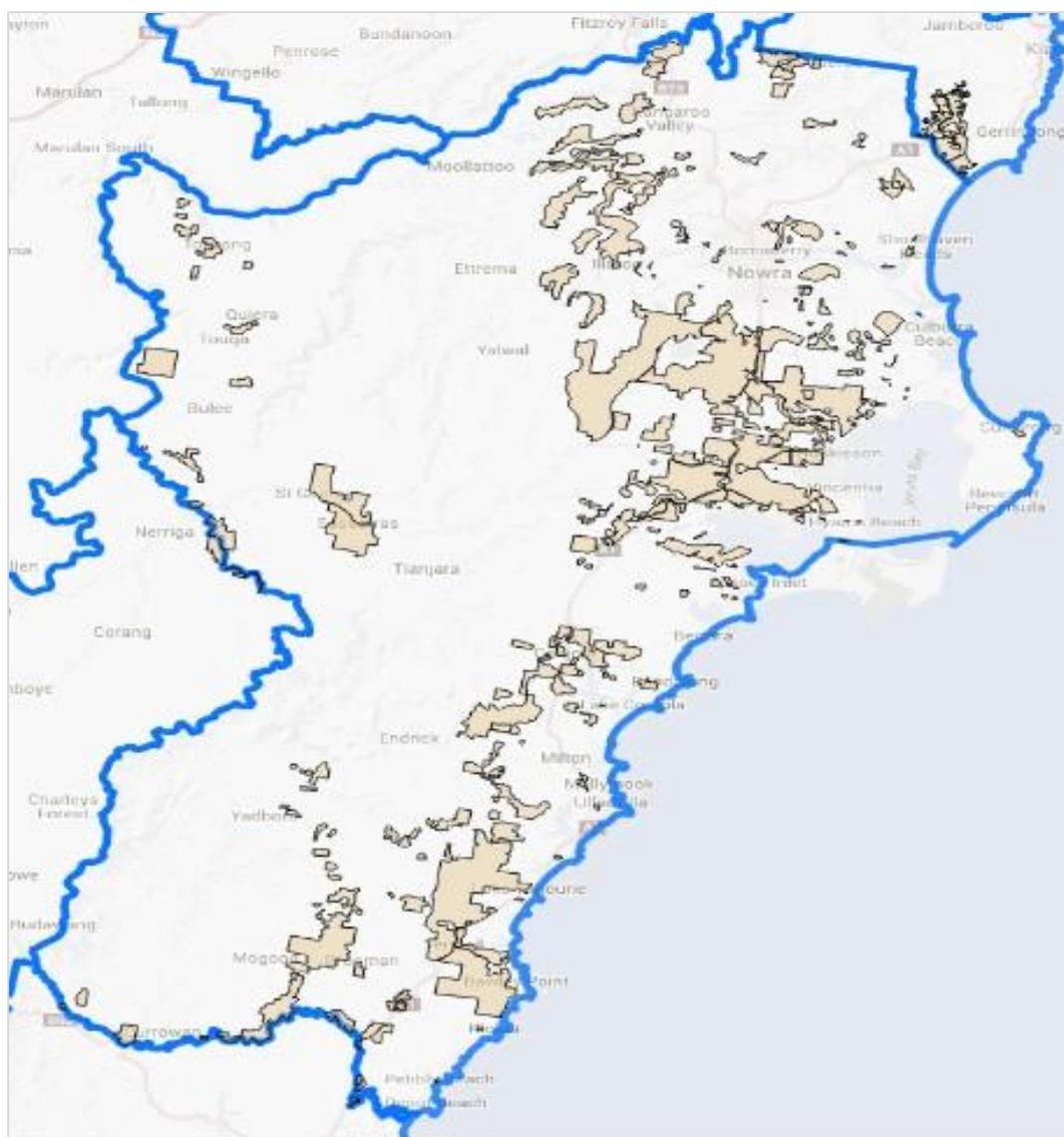
16.1.1 Shoalhaven

Shoalhaven RU2 Zones

General character: Some areas are partly cleared, however, most are quite heavily vegetated. Generally along ridgeline areas.

Used in conjunction with: RU1, E3.

Commentary: Most of the RU2 zones are located towards the eastern side of the Council, along the hinterland area and surrounding townships. The Council has a lot high value landscape areas which are important for residential and tourist uses.



Shoalhaven - Example of RU2 Zone

Commentary: The map shows a typical example of land where RU2 zone is applied. Some land is mostly cleared agricultural land while some is very heavily vegetated.



Shoalhaven Map - RU1 Zones

Estimated coverage: 10-20%.

General character: Typically mostly cleared good quality agricultural land, concentrated towards the north-east corner of the LGA.

Many areas of the RU1 zones are located close sensitive ecological areas and as such E3 zones are often used as buffers between those areas.



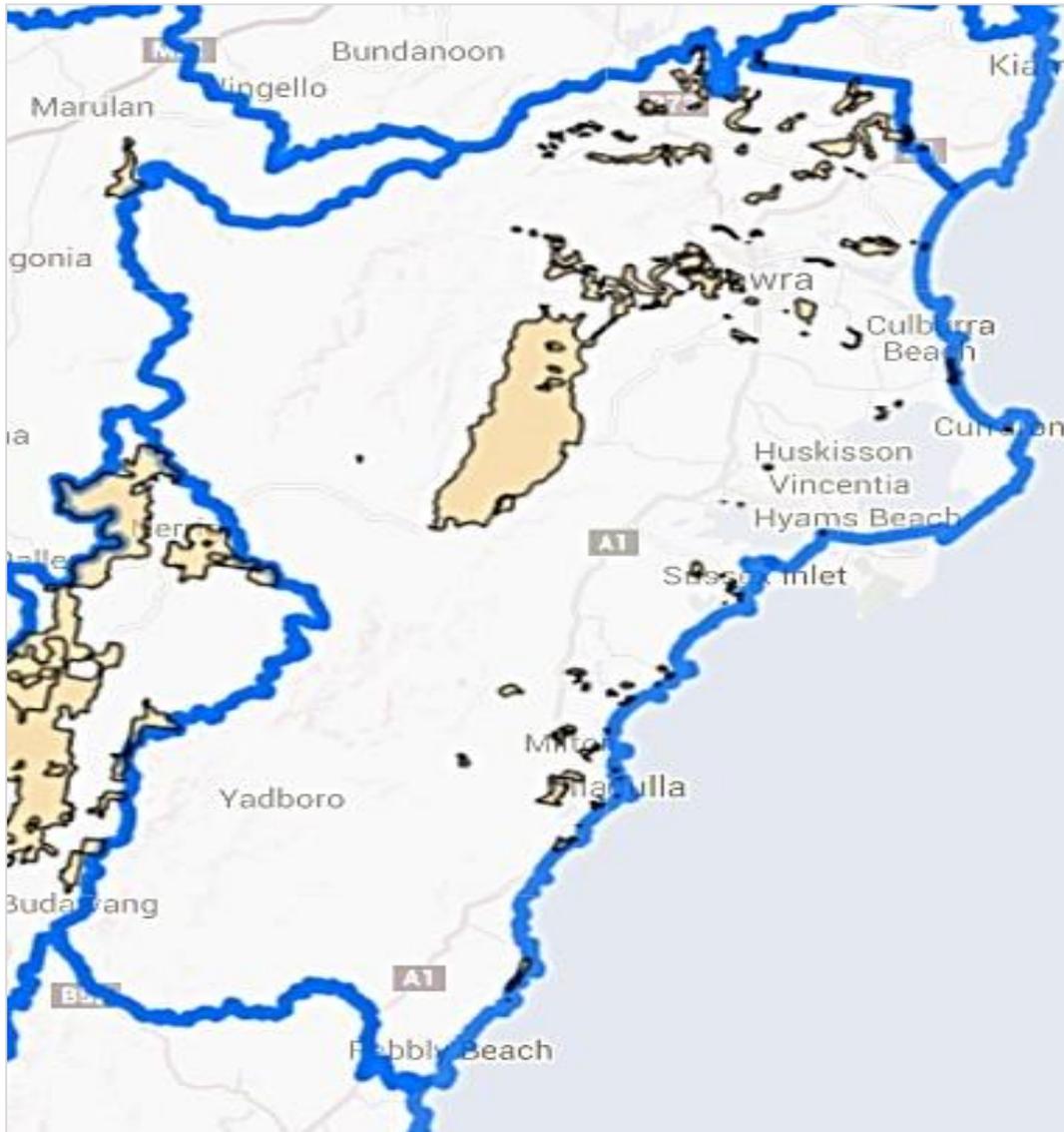
Shoalhaven - Example of RU1 Zone

Commentary: The map shows a typical example of land where RU1 zone is applied. It is mostly cleared of vegetation and often prime agricultural land.



Shoalhaven Map - E3 Zones

General character: Some used as catchment protection and some for biodiversity. Generally not widely used.



Shoalhaven - Example of E3 Zone

Commentary: The map shows a typical example of land where E3 zone is applied. It is mostly partly to heavily vegetated and located near sensitive areas between rural zoned land.



Shoalhaven - Example of RU1 and E3 Zone

Commentary: Much of the RU1 zoned land is surrounded by E3 zones which act as a buffer to environmentally zoned and protected land.



16.1.2 Clarence Valley

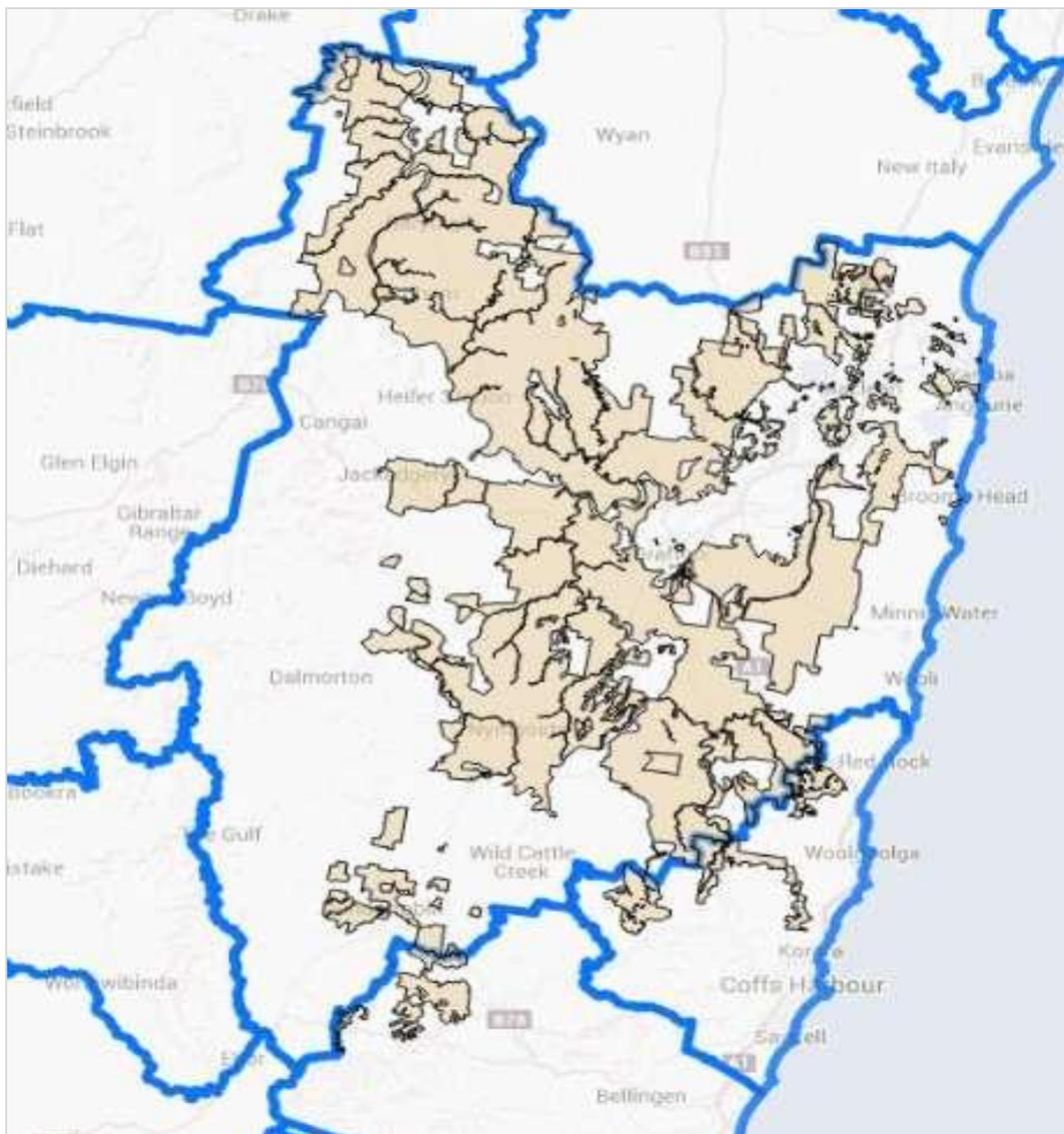
Clarence Valley - RU2 Zones

General character: Quite mountainous areas which are heavily vegetated with lower lying areas that are mostly cleared.

Used in conjunction with: RU1, E3.

Commentary: Use of the RU2 zone is quite extensive given the topography of the LGA. Concentrated towards the northern and central areas.

Comparison: RU2 is applied much more widely than RU1 and E3 zones.



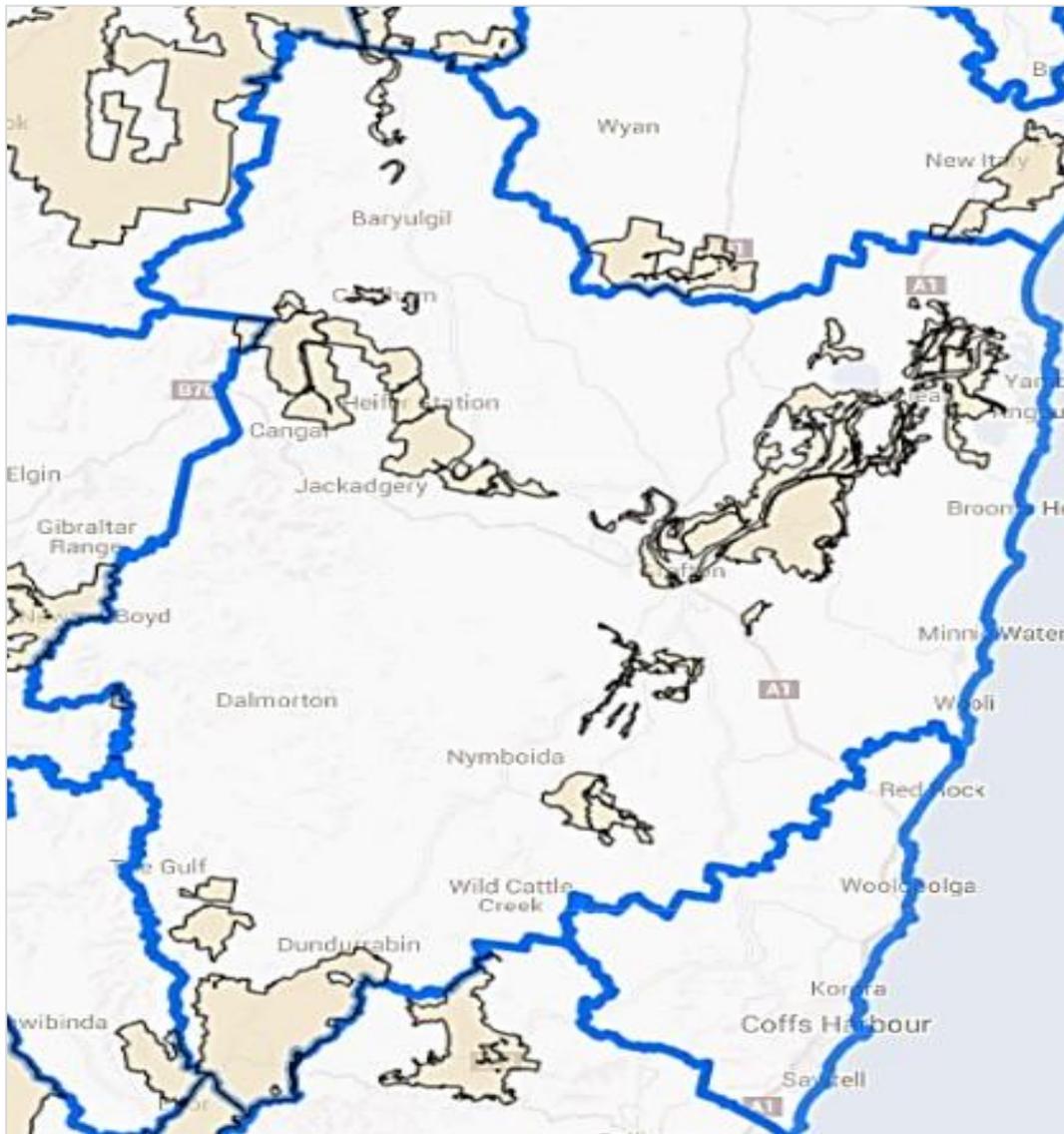
Clarence Valley - Example of RU2 Zone

Commentary: The map shows a typical example of land where RU2 zone is applied. It is a mix of partly cleared to heavily vegetated areas.



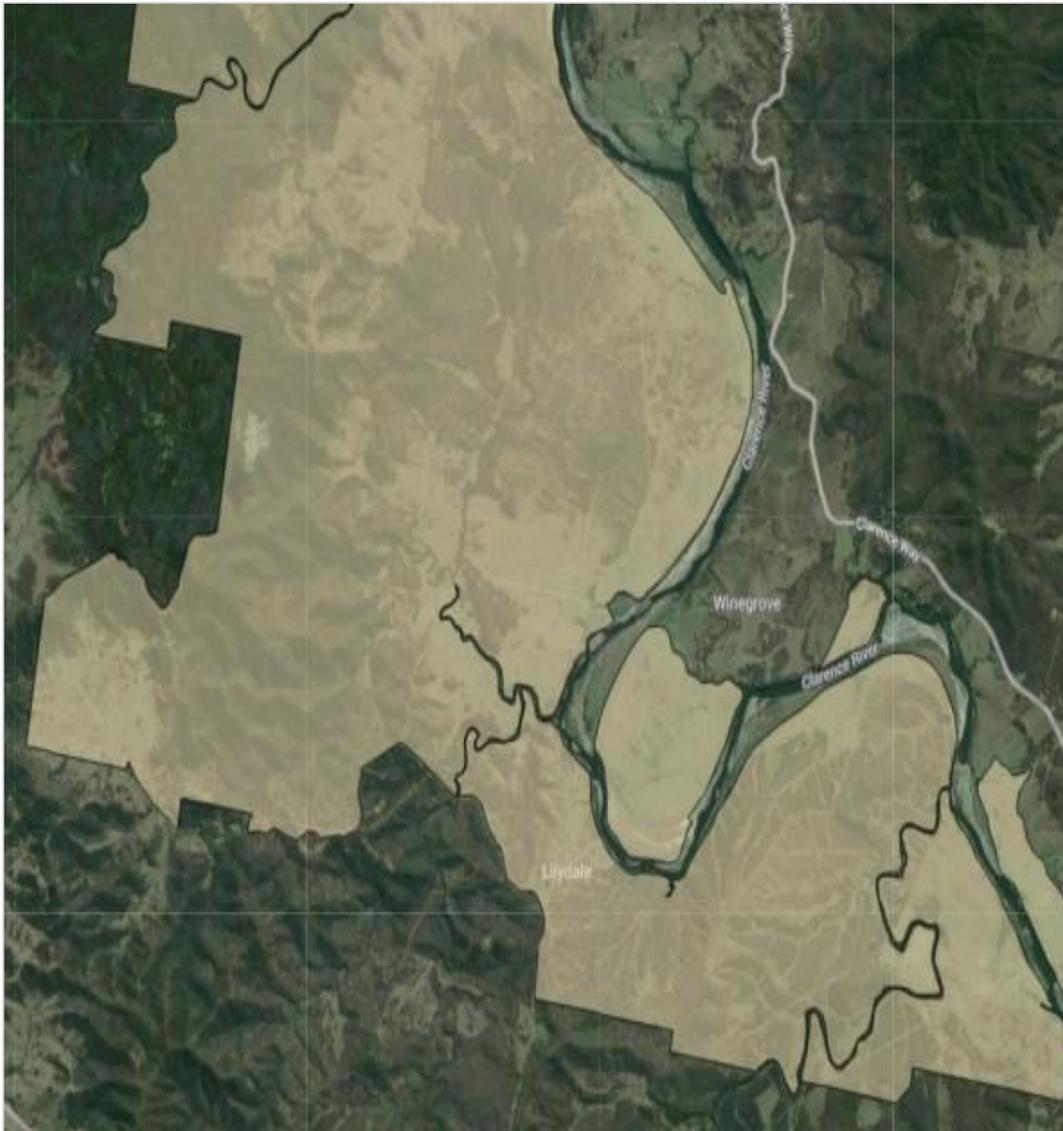
Clarence Valley Map RU1 Zones

General character: Many of the areas have low lying areas that are mostly cleared.



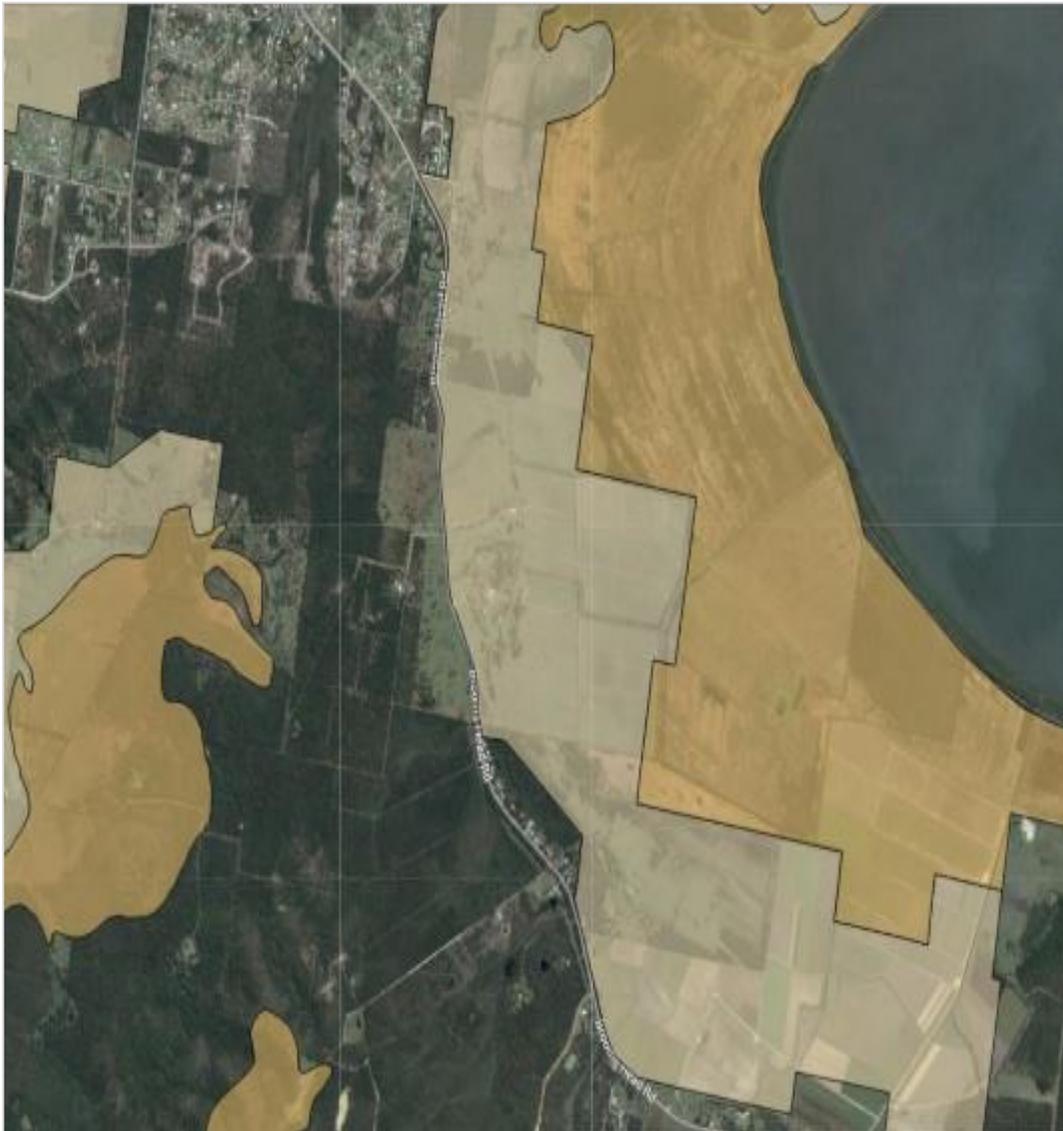
Clarence Valley - Example of RU1 Zone

Commentary: The map shows a typical example of land where RU1 zone is applied. Given the topography of the land, there are not large tracts of cleared agricultural land like some other Councils. Many of the areas have low lying areas that are mostly cleared surrounded by areas of mostly vegetated that are mountainous or along watercourses.



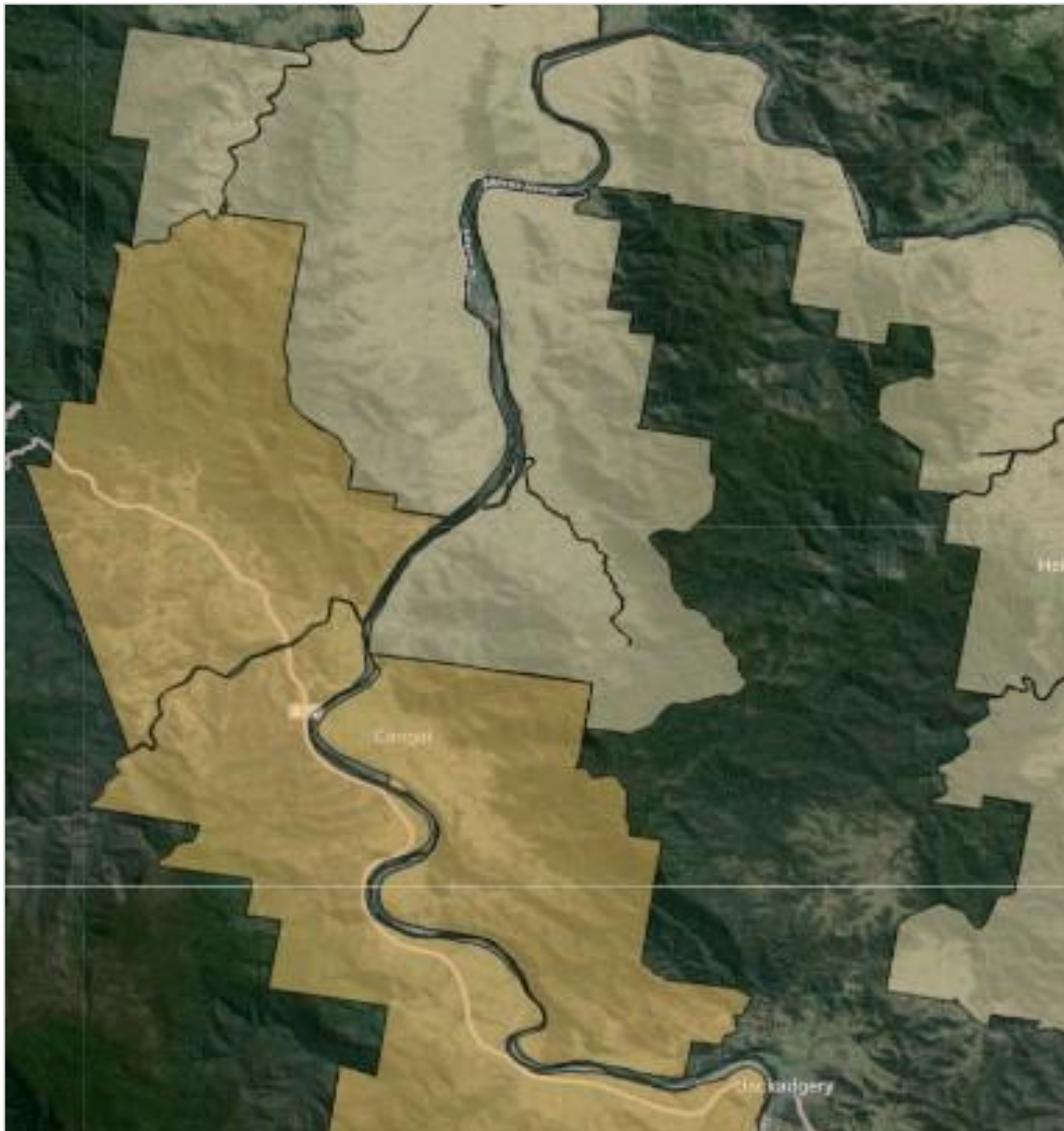
Clarence Valley - Examples of RU1 and E3 Zones

Commentary: Typically the E3 zones in the east protect sensitive coastal vegetation.



Clarence Valley - Examples of RU1 and E3 Zones

Inland E3 is less used but where it is it tends to steep forested private lands.



Upper Lachlan - Example of RU2 Zone

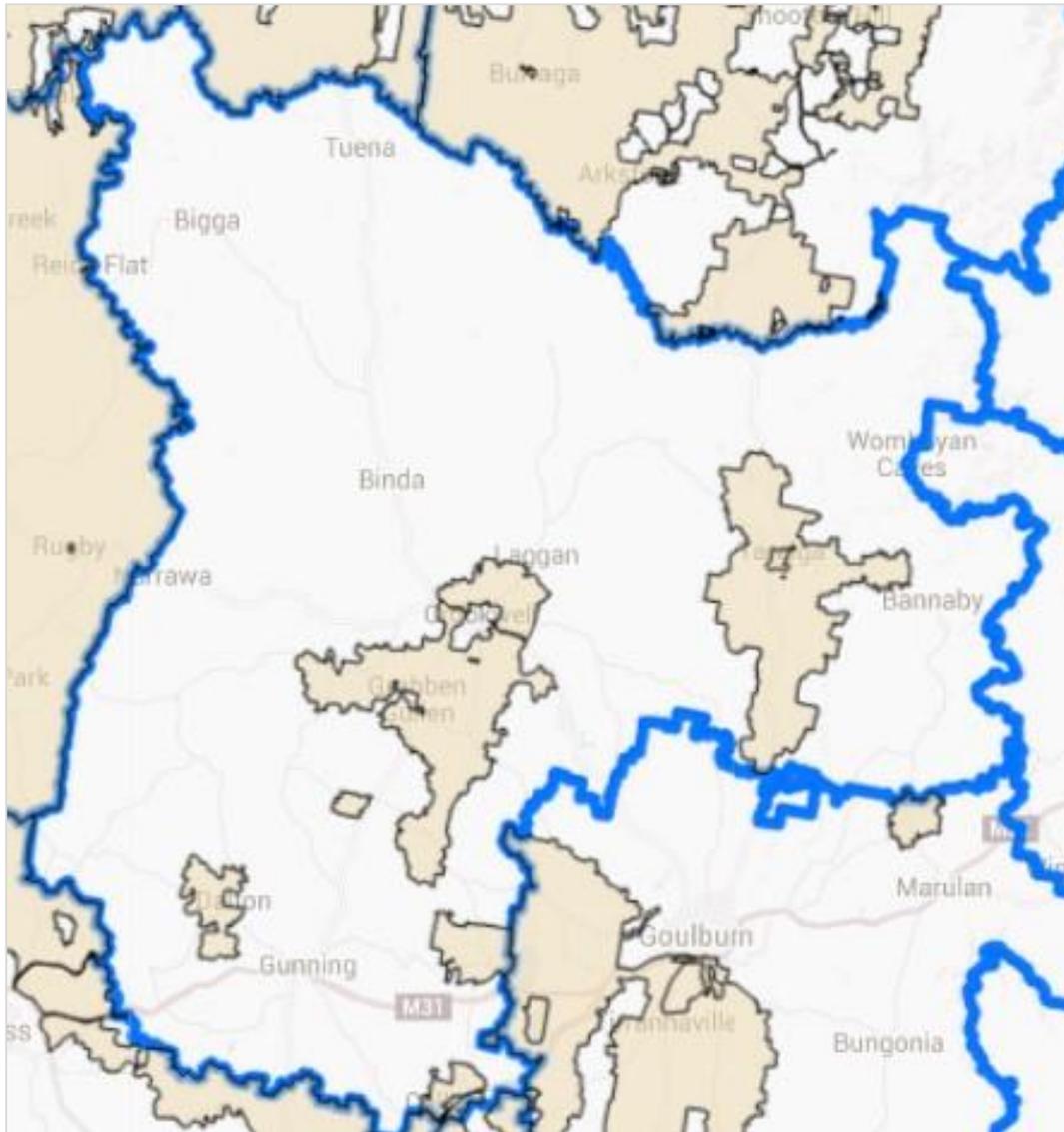
Commentary: The map above shows a typical example of land where RU2 zone is applied across the Council. Vegetated areas are generally only towards the fringes.



Upper Lachlan Map RU1 Zones

General character: Level, cleared land.

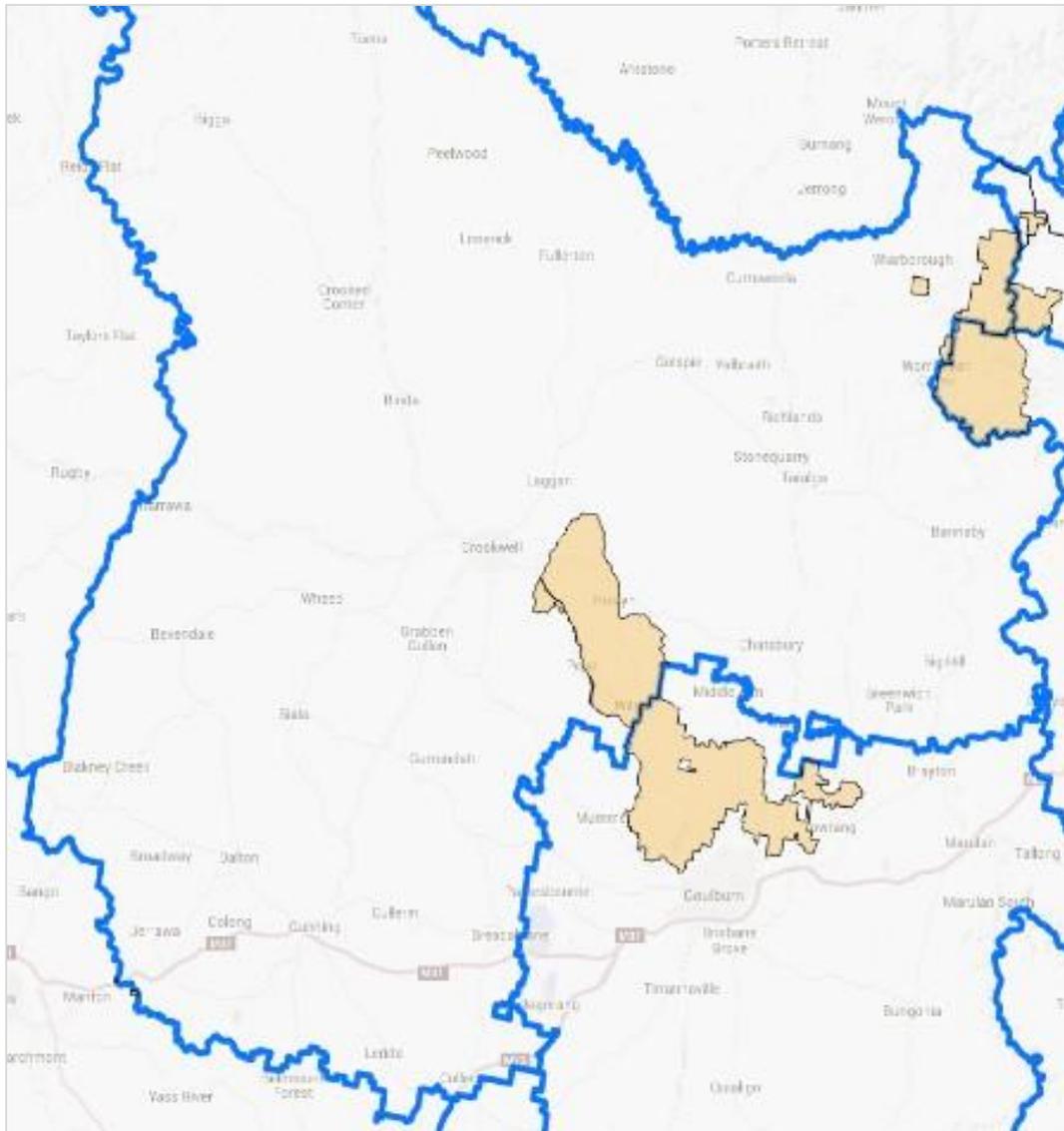
Commentary: Centrally located.



Upper Lachlan Map E3 Zones

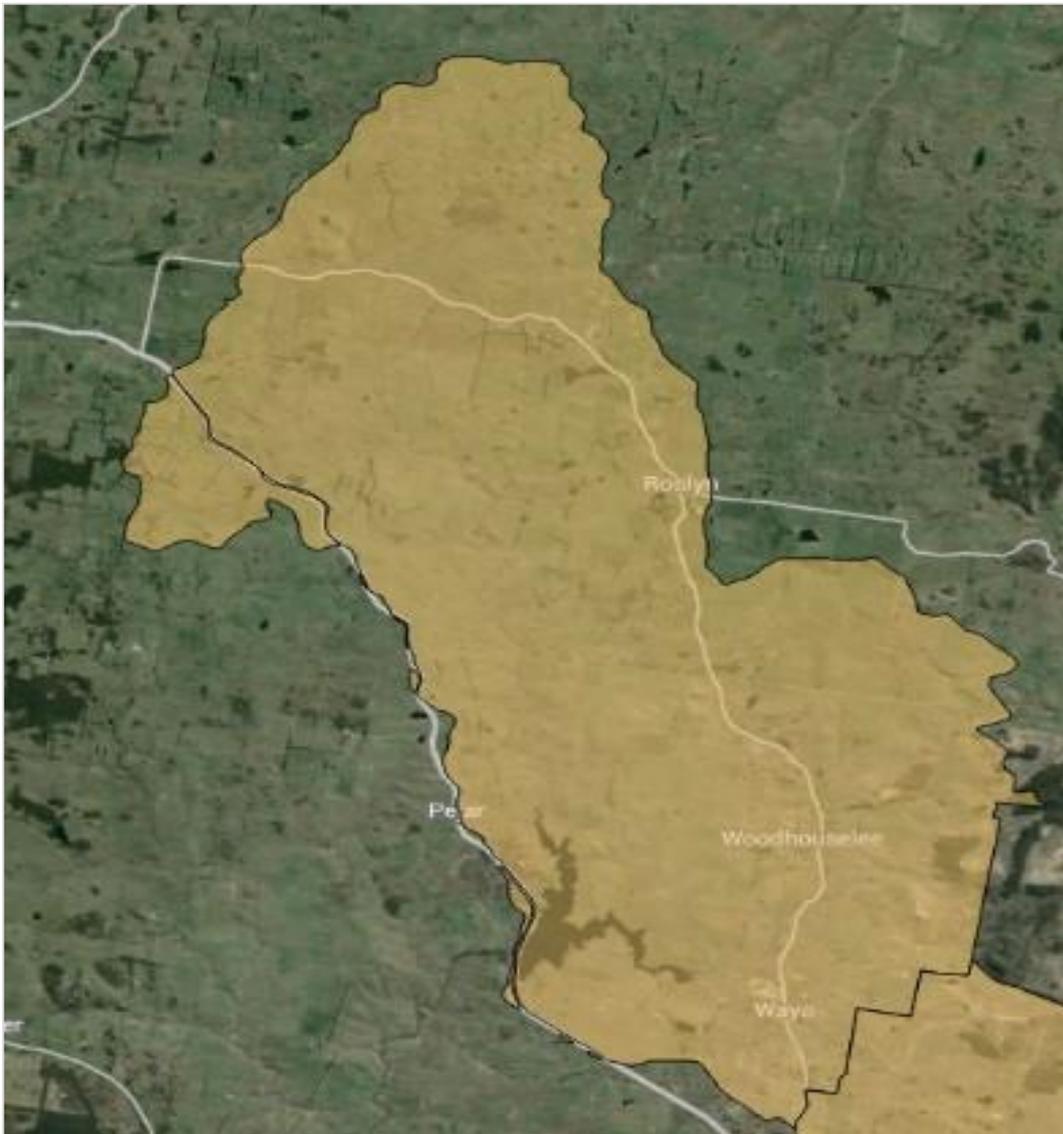
General character: Northern area is mostly vegetated mountainous area. Central area is level cleared land – likely water supply catchment.

Commentary: Minimal use except 2 small areas in the east.



Upper Lachlan - Examples of E3 Zones

Commentary: Dam water supply catchment.



Upper Lachlan - Examples of E3 Zones (cont.)

Commentary: Possibly Crown Lands of biodiversity value.



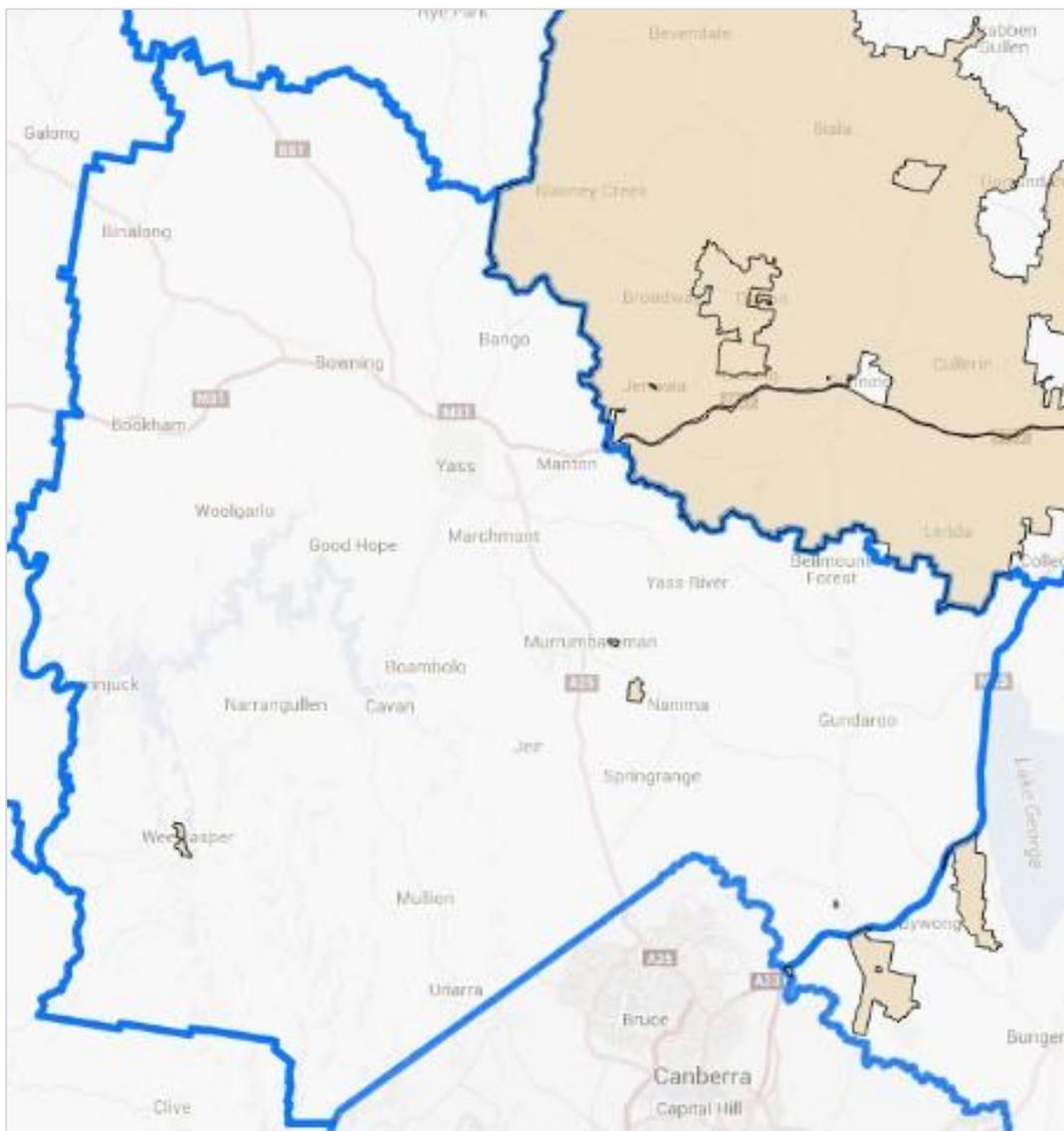
16.1.4 Yass Valley

Yass Valley RU2 Zones

General character: Cleared level land. Used in conjunction with: RU1, E3.

Commentary: Minimal use, only small scattered areas.

Comparison: RU2 and E3 use are minimal. RU1 is used across almost the entire LGA.



Yass Valley - Example of RU2 Zone

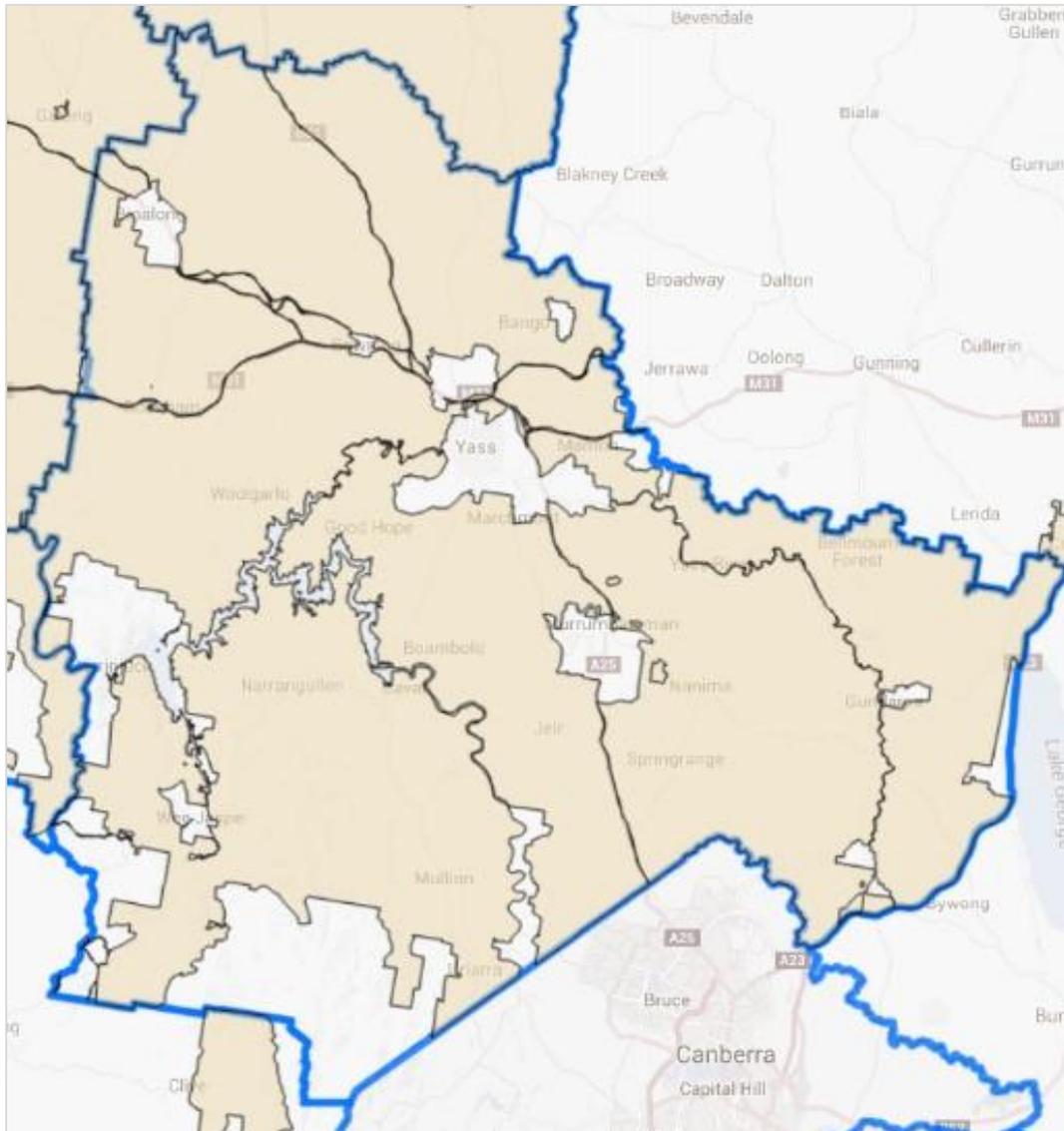
Commentary: Level cleared land. Not obvious why the RU2 has been used.



Yass Valley Map RU1 Zones

General character: Generally level, cleared land. Some outer areas with higher terrain have vegetation.

Commentary: Covers almost entire LGA.



Yass Valley - Example of RU1 Zone

Commentary: Typical example of RU1 zone. Mostly cleared with some vegetated areas of higher terrain.

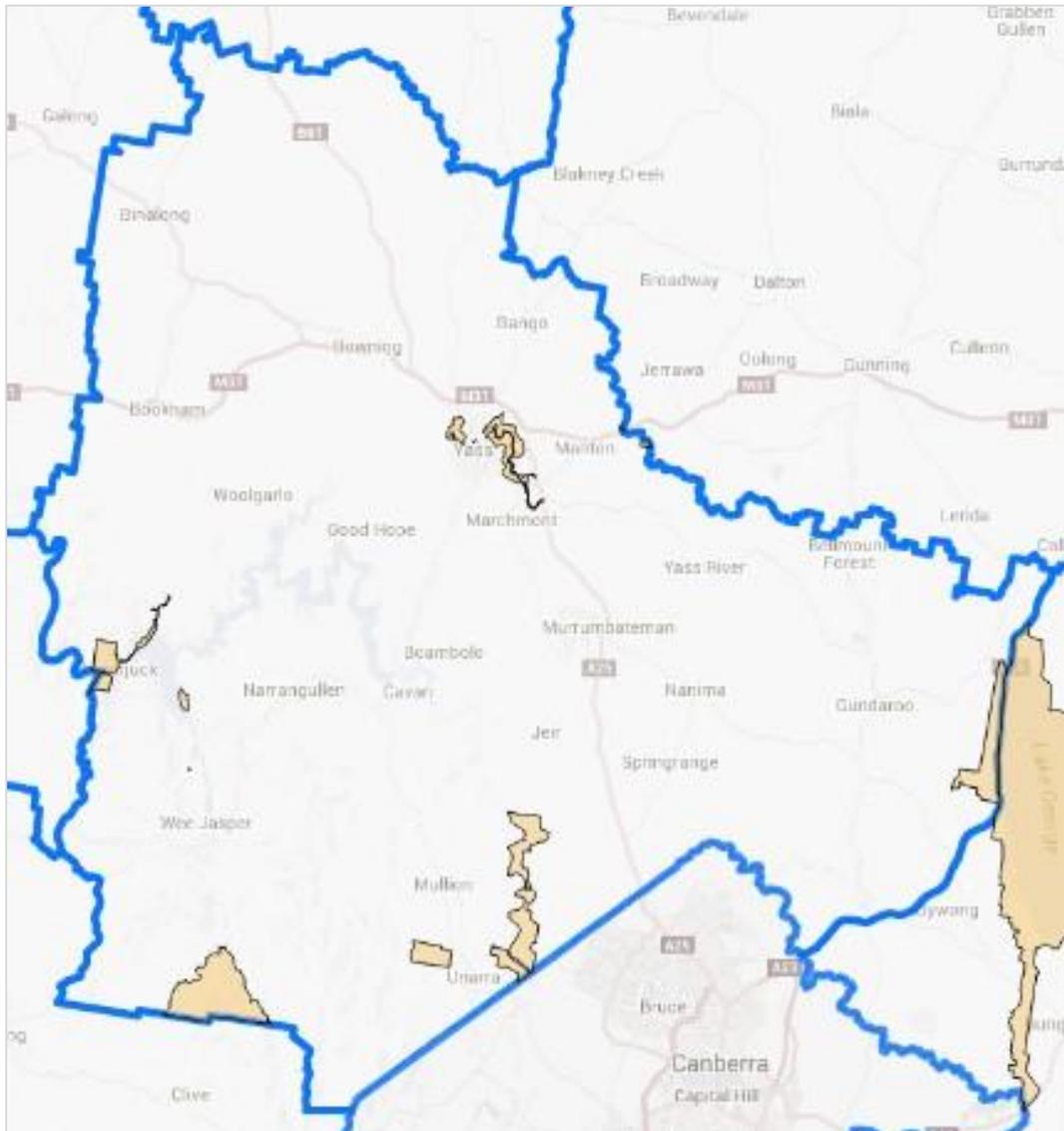


Yass Valley Map E3 Zones

Estimated coverage: 5%.

General character: Areas are partly cleared generally along water courses. Some areas of water supply catchment.

Commentary: Minimal use in scattered areas.



Yass Valley - Examples of E3 Zones

Commentary: Not obvious why this is selected for E3.

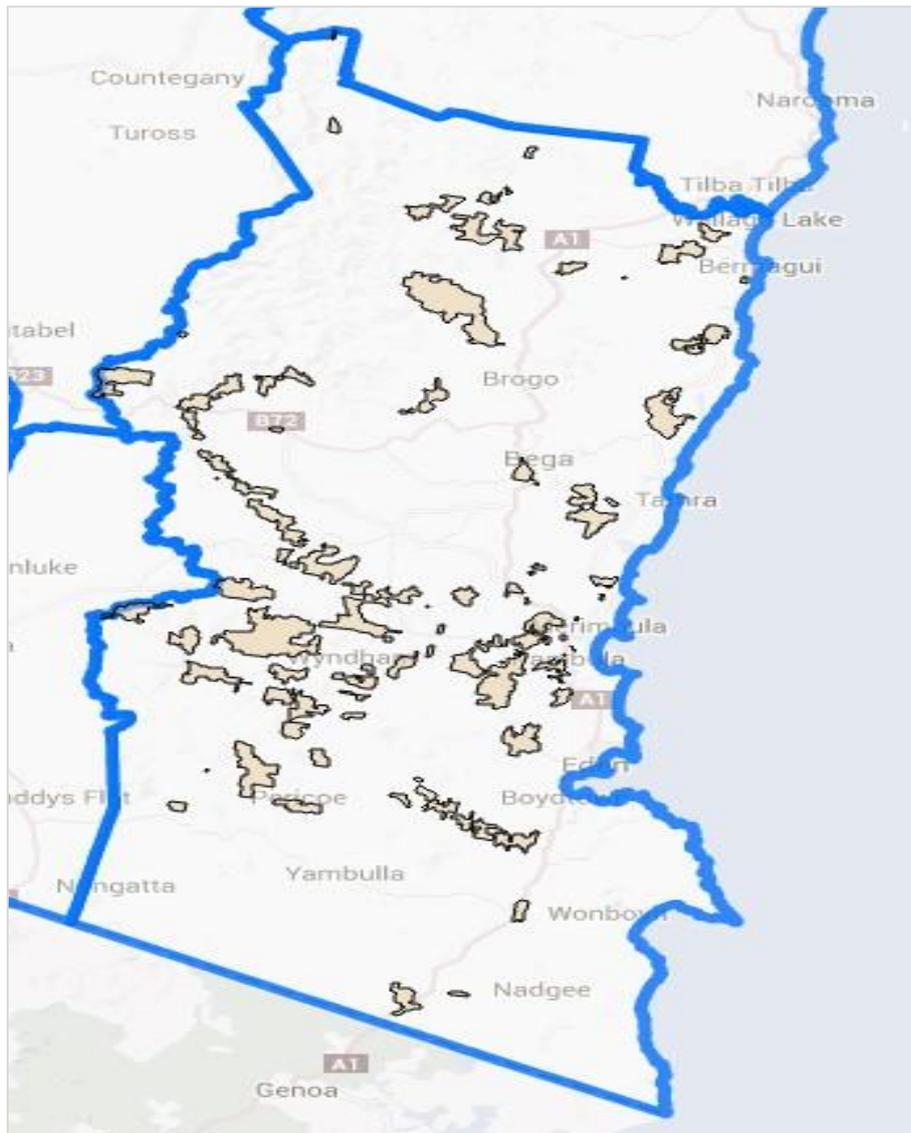


16.1.5 Bega Valley

Bega Valley RU2 Zones

Used in conjunction with: RU1, E3.

Commentary: Scattered areas throughout the LGA. Generally follows terrain and landforms.



Bega Valley - Example of RU2 Zone

Commentary: Generally used in rugged valley systems. Not necessarily areas of high public visitation landscape. Also tends to be fragmented areas of the rural zones.



Bega Valley Map RU1 Zones

General character: Generally level, cleared land. Some outer areas with higher terrain have vegetation.

Commentary: Covers the bulk of the productive agricultural lands.



Bega Valley - Example of RU1 Zone

Commentary: Generally the bulk of the agricultural land.



Bega Valley Map E3 Zones

General character: Vegetated areas likely of high biodiversity.

Commentary: Almost exclusively contained to east 1/3 of the Shire.



Bega Valley - Examples of E3 Zones

Commentary: Almost all E3 comprises extant vegetation. But E3 used almost exclusively in east of the Shire.



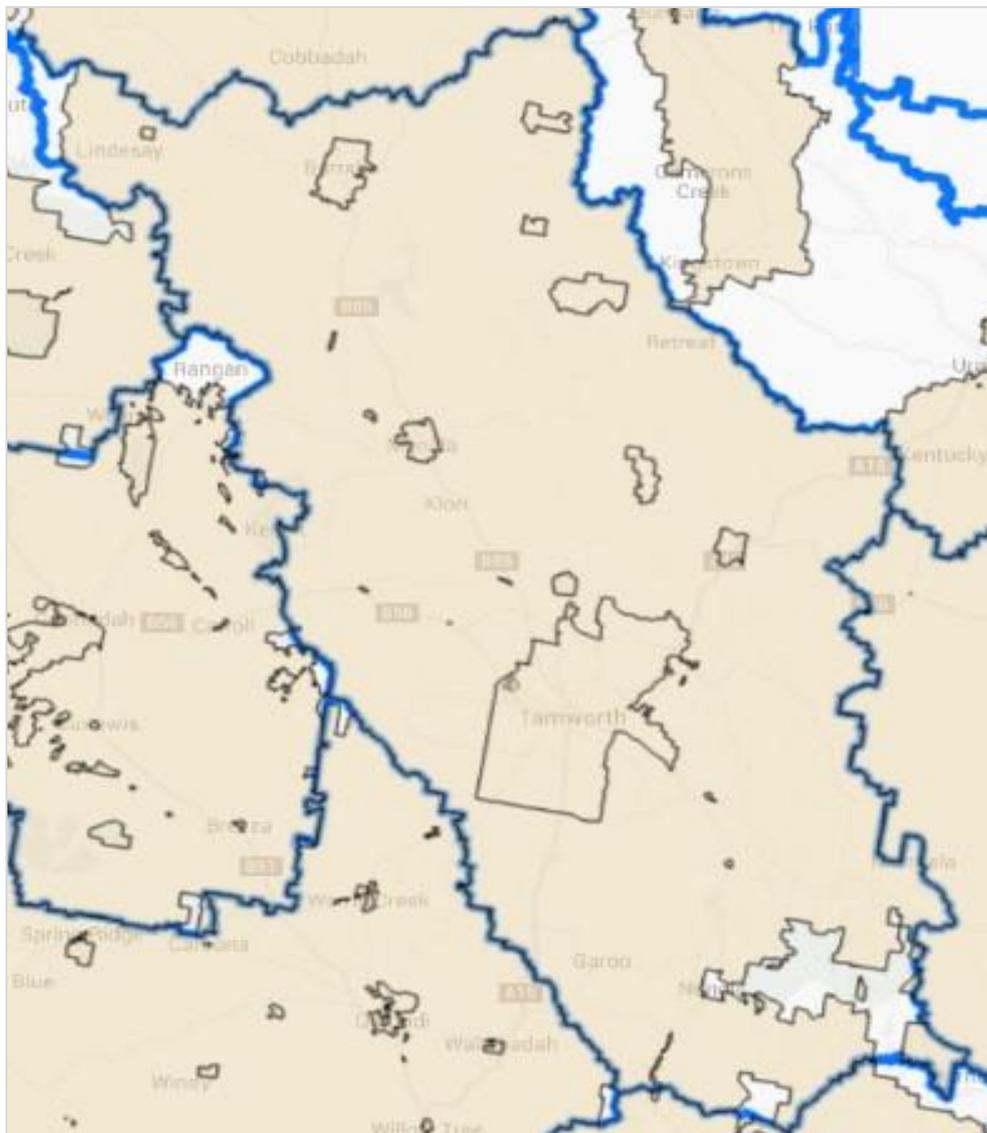
16.2 APPENDIX 2: A REVIEW OF THE COUNCILS USING RU1 AND NO RU2 BUT WITH E3

16.2.1 Tamworth

Tamworth Regional RU1

General character: Mostly cleared level land with areas of high terrain. Used in conjunction with E3.

Commentary: RU1 zone covers almost entire LGA.



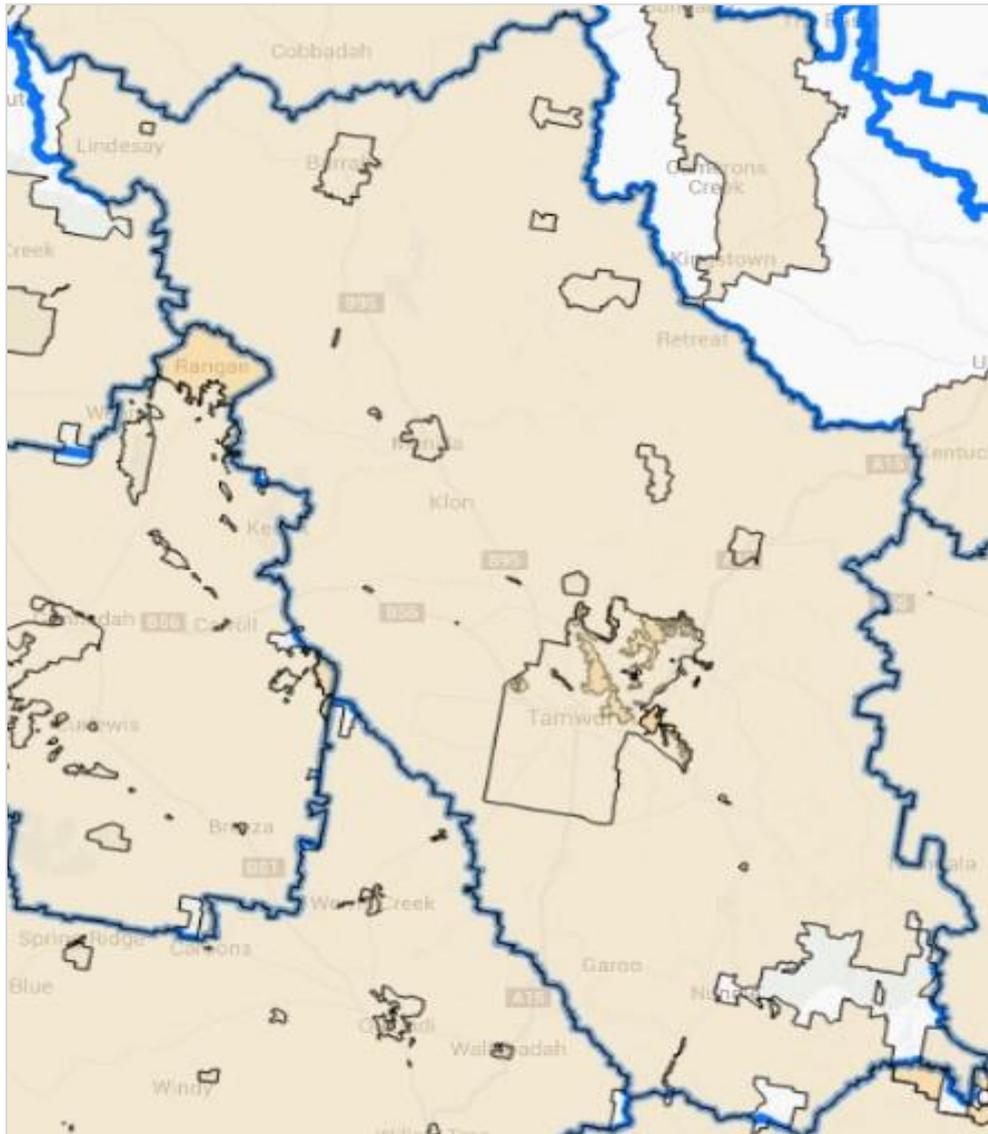
Example of Tamworth Regional RU1

Commentary: Typical example of RU1 zoned land – applied to the bulk of the private rural lands of the Shire.



Tamworth Regional E3

Commentary: RU1 zone covers almost entire LGA. E3 zone is used only within a marked area near the town of Tamworth or as water catchment.



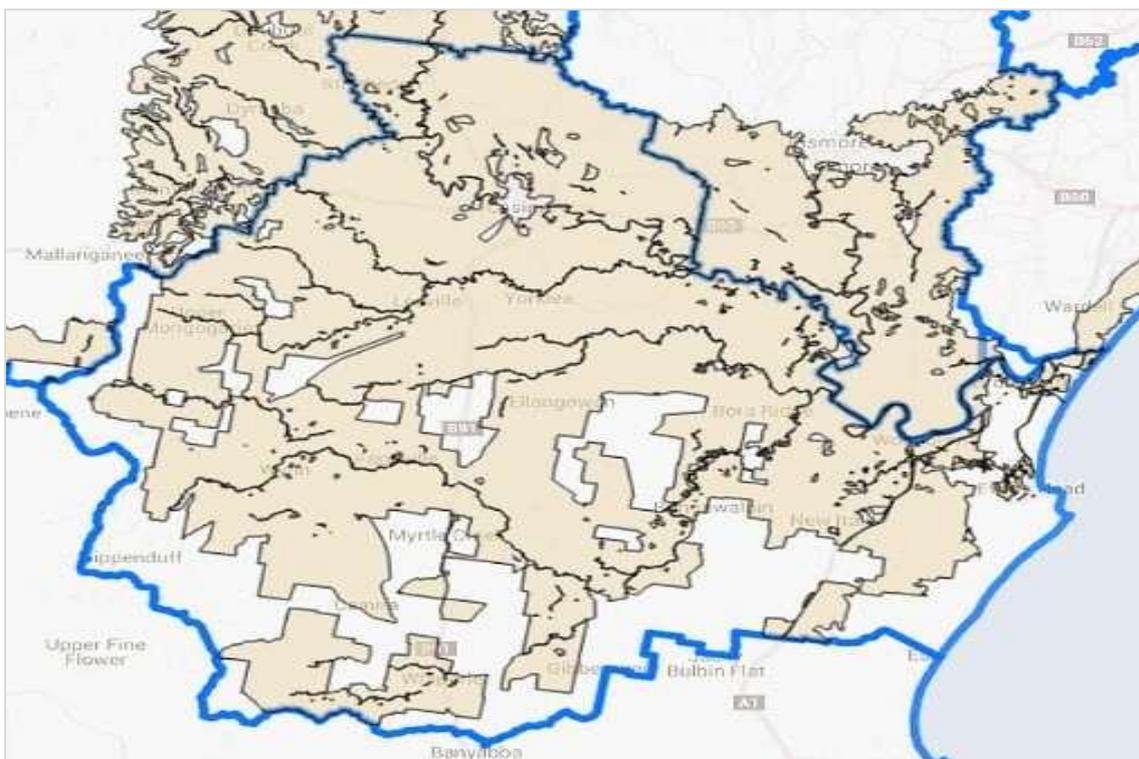
16.2.2 Richmond Valley

Richmond Valley RU1 and E3

General character: RU1 - Combination of cleared level land with quite large areas of heavily vegetated land. E3 - Located only in north-east section of Council. Partly vegetated, near coast and along waterways.

Commentary: RU1 zone covers almost entire LGA. The character of the land varies quite a lot becoming more vegetated as it spreads west. E3 zone is used only within a marked area near north-east corner of the LGA.

Comparison: E3 zoned land appears to be used as a buffer between RU1 areas and watercourses.



Example Richmond Valley RU1 and E3

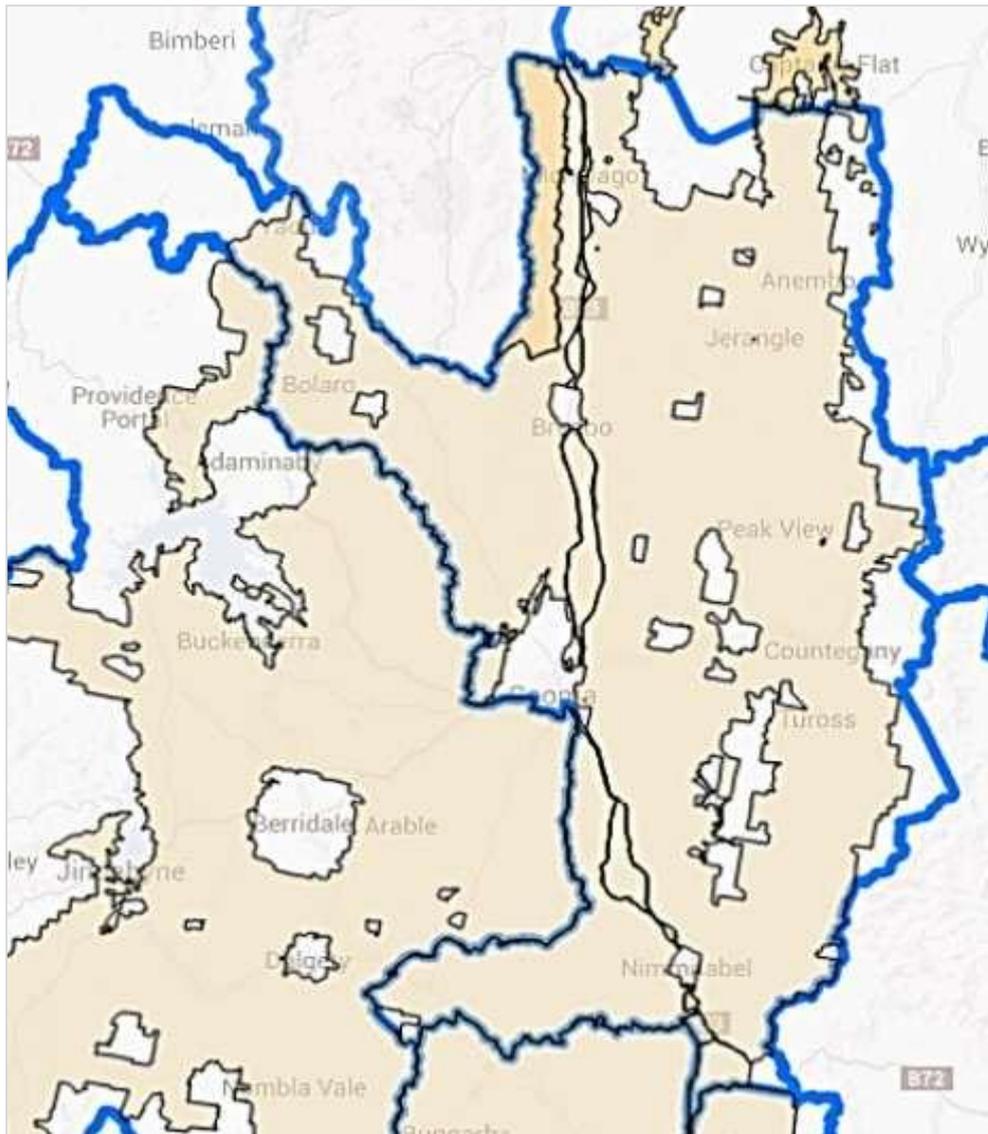
Commentary: E3 use seems confined mostly to the coastal strip and often vegetated lands adjoin National Park or other public lands.



16.2.3 Cooma-Monaro

Cooma-Monaro RU1

General character: RU1 zone covers almost entire LGA private rural lands. E3 used only in small northern section of LGA.



Cooma-Monaro

Commentary: E3 land is very mountainous and heavily vegetated.

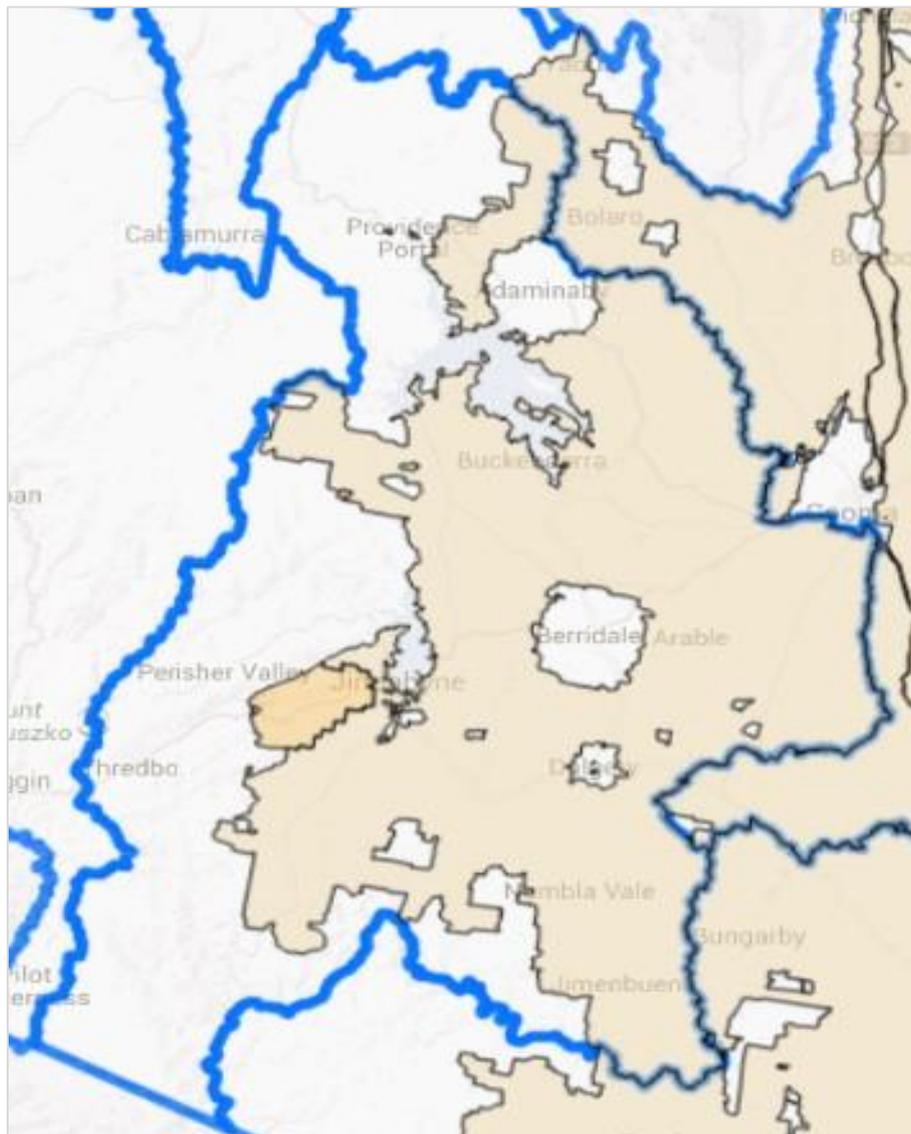


16.2.4 Snowy River

Snowy River

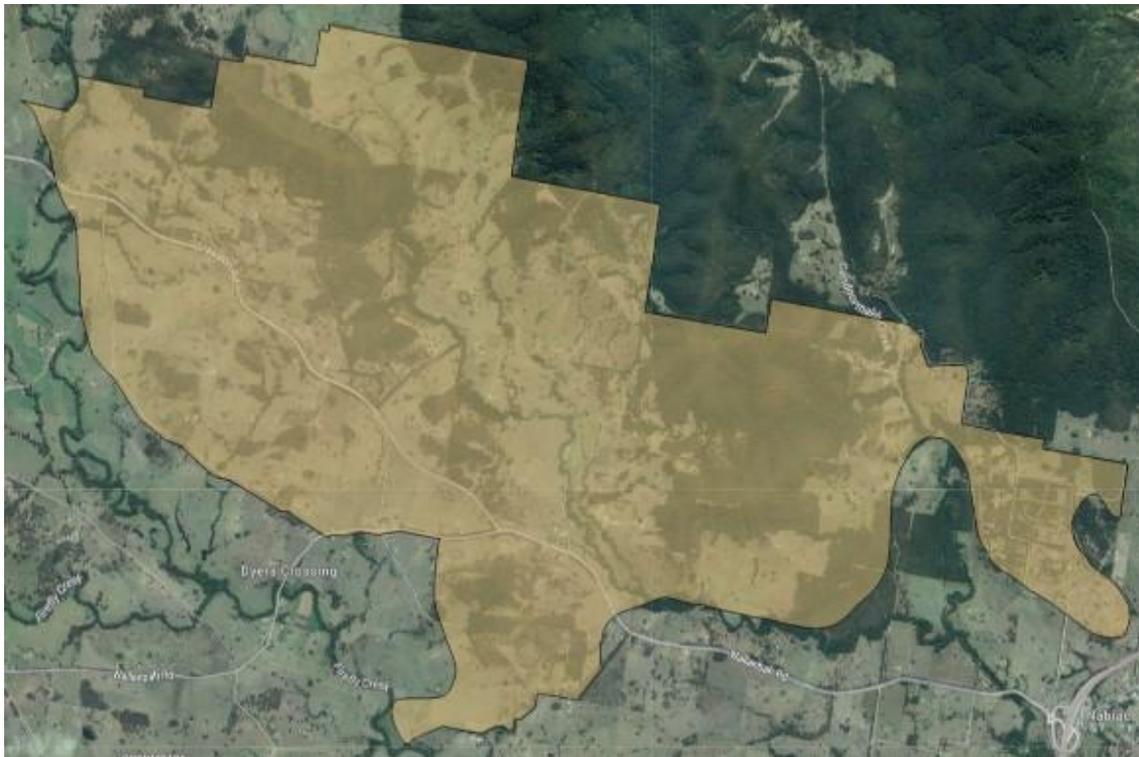
General character: RU1 - Large areas of undulating land, mostly cleared. E3 - partly cleared but mostly heavily vegetated.

Commentary: RU1 covers vast majority of the LGA excepting areas along the western boundary. E3 is only 1 large area and a couple of smaller scattered areas.



Greater Taree - Example area

Commentary: Small lot grazing land.



16.3.2 Shoalhaven RU4

General character: Partly cleared with some areas quite heavily vegetated.

Commentary: Used only in a few small concentrated areas towards the south-east area of the LGA.



Shoalhaven - Example area

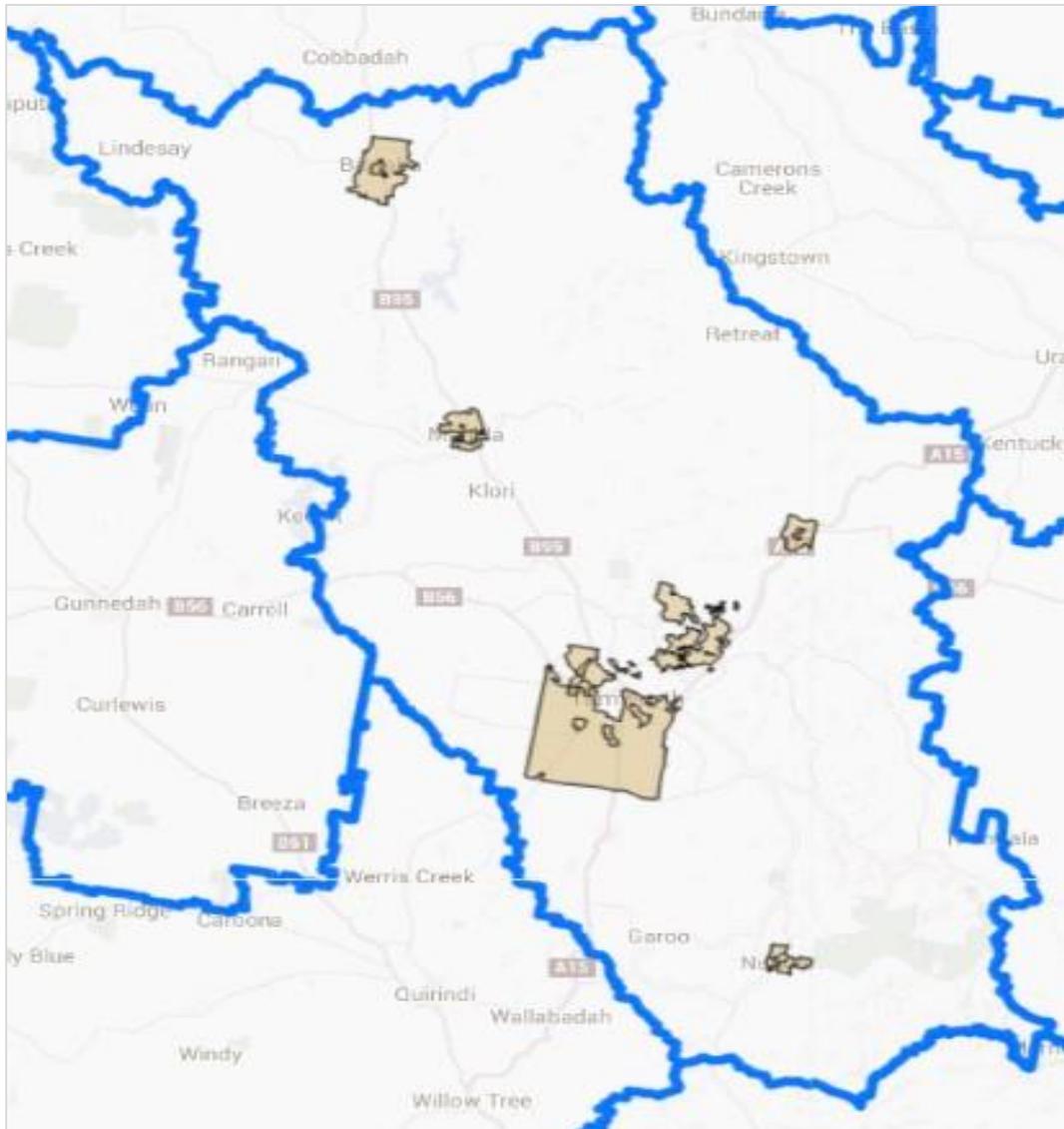
Commentary: Given the 2 ha lot size and mixed terrain and vegetation it is hard to distinguish this RU4 from rural residential.



16.3.3 Tamworth RU4

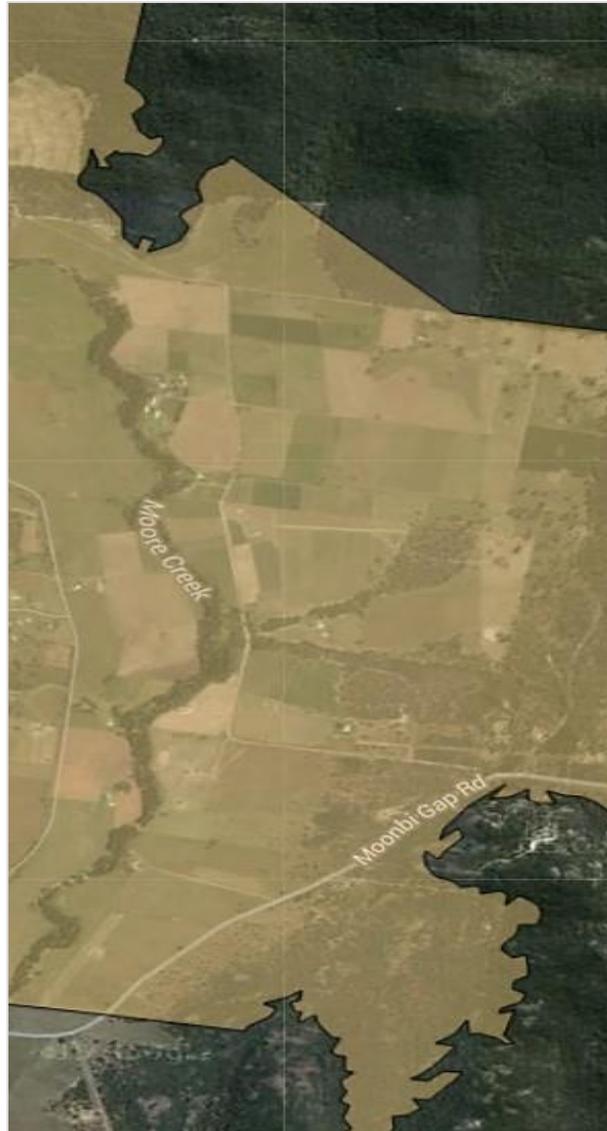
General character: Mostly cleared with some areas partly vegetated.

Commentary: Scattered areas throughout the LGA, generally in close proximity to towns.



Tamworth - Example area

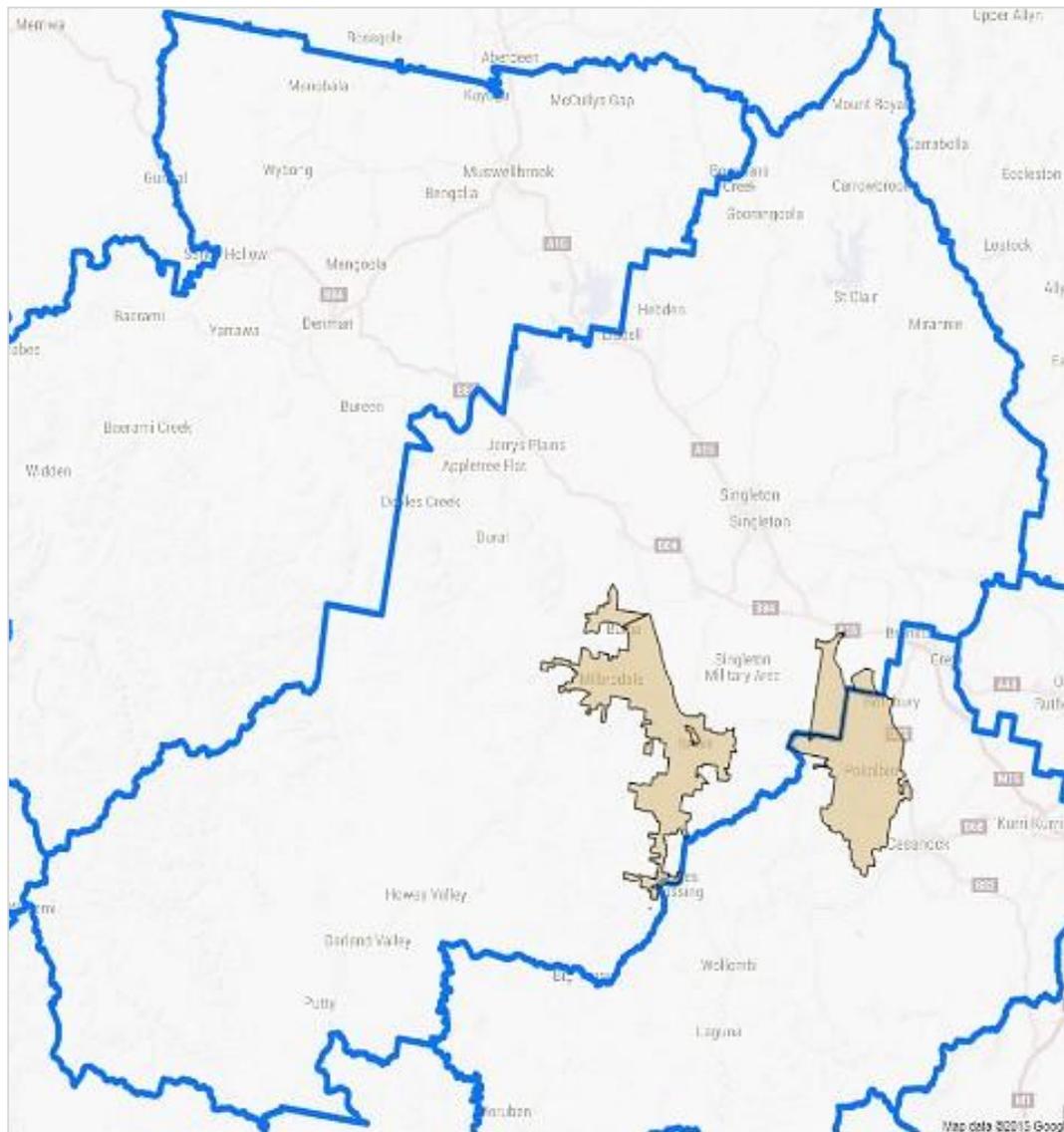
Commentary: With 40 ha lot size and much good quality land Tamworth appears to be using RU4 for small lot grazing or cropping farms.



16.3.4 Singleton RU4

General character: Mostly cleared with some areas around mountainous areas heavily vegetated.

Commentary: Only two main areas zoned RU4 towards south-eastern area of LGA.



Singleton - Example area

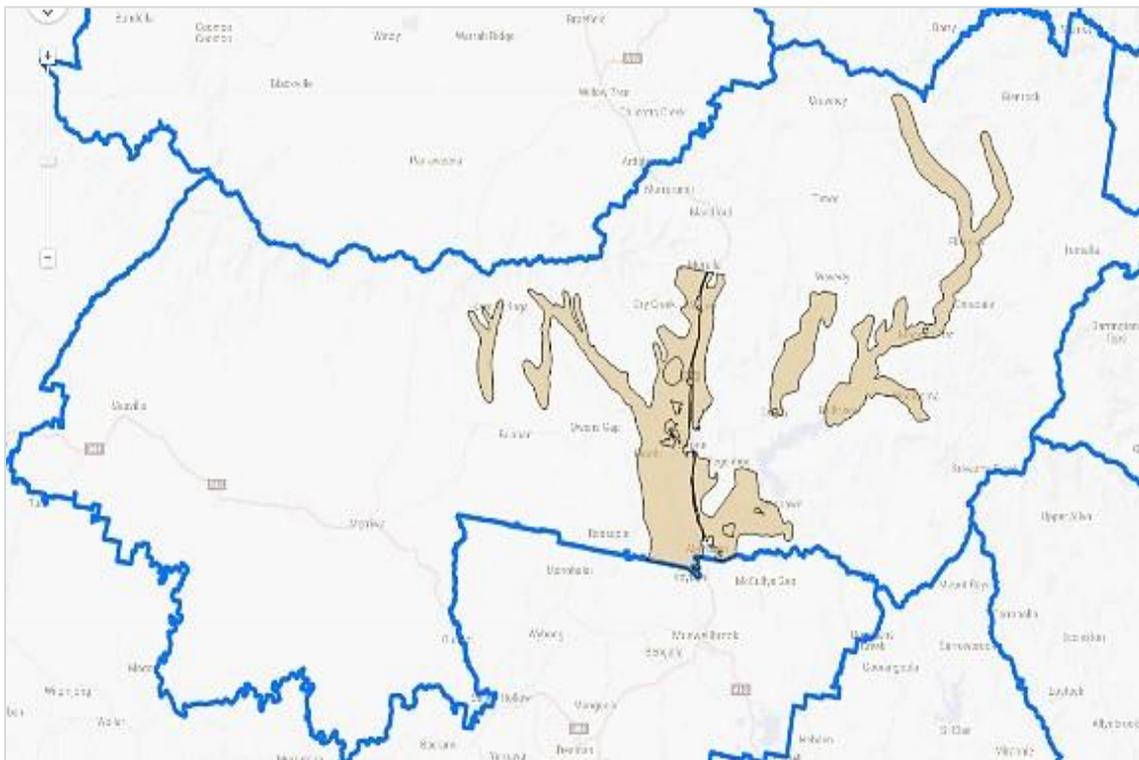
Commentary: With 40 ha lot size and cleared grazing land it appears Upper Hunter is using RU4 for small grazing farms.



16.3.5 Upper Hunter RU4

General character: Mostly cleared with some areas around mountainous areas partly vegetated.

Commentary: Areas zoned RU4 toward the central and eastern region of the LGA. Reasonably larger tracts of land than most other Councils surveyed. Often follows along watercourses.



Upper Hunter - Example area

Commentary: A different approach – Upper Hunter appear to be using small lot farms along possibly fragmented agricultural valleys. Often the land is reasonable agricultural land and 40 ha lot size means some potential small farm use.



16.3.6 Bega Valley RU4

General character: Flat, cleared land with scattered vegetation.

Commentary: Only used in a few small scattered areas.



Bega Valley - Example area

Commentary: Covers some former rural residential areas that had large lot sizes and reasonable grazing land. But with most lot sizes 10 or less ha it would appear to be hobby scale.



16.4 APPENDIX 4: USE OF THE E4 ENVIRONMENTAL LIVING ZONE COMPARED WITH R5 LARGE LOT RESIDENTIAL

16.4.1 Eurobodalla R5 and E4

General character: Eurobodalla uses all 3 zones (RU4, R5 and E4) to provide rural residential and hobby farm options.



16.4.2 Shoalhaven R5 and E4

General character: R5 - A combination of partly cleared and heavily vegetated areas. E4 - Generally more heavily vegetated than R5 areas but some partly cleared areas.

Comparison: E4 is generally more vegetated than R5 zones, but not consistently.



Shoalhaven

Commentary: Map below shows adjoining R5 and E4 zoned land. Land appears to be similar in nature.



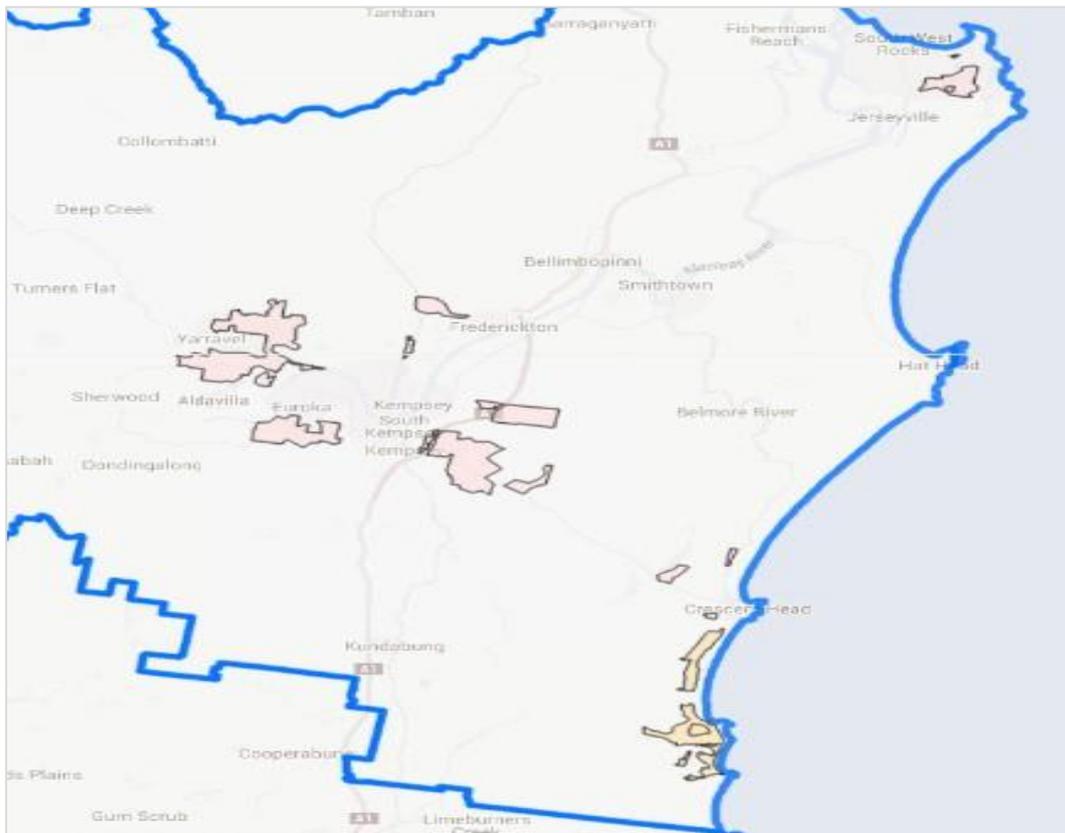
Commentary: Map shown with overlays. Provides some context that although land appears to be similar, overlays identify watercourse and areas of terrestrial biodiversity in E4 zone.



16.4.3 Kempsey R5 and E4

General character: R5 - Small land holdings, partly cleared. Scattered throughout the LGA but mostly located centrally. E4 - Larger land holdings, located only along the coast.

Commentary: Most R5 areas are predominately cleared small holdings. Some areas are more heavily vegetated. Compared with the smaller selection of E4 zones applied, the land is not dissimilar at face value. However, location of the E4 zones proximity to the coast could be a factor.



Kempsey E4

Commentary: The E4 zones are located along the coast. No overlays used.



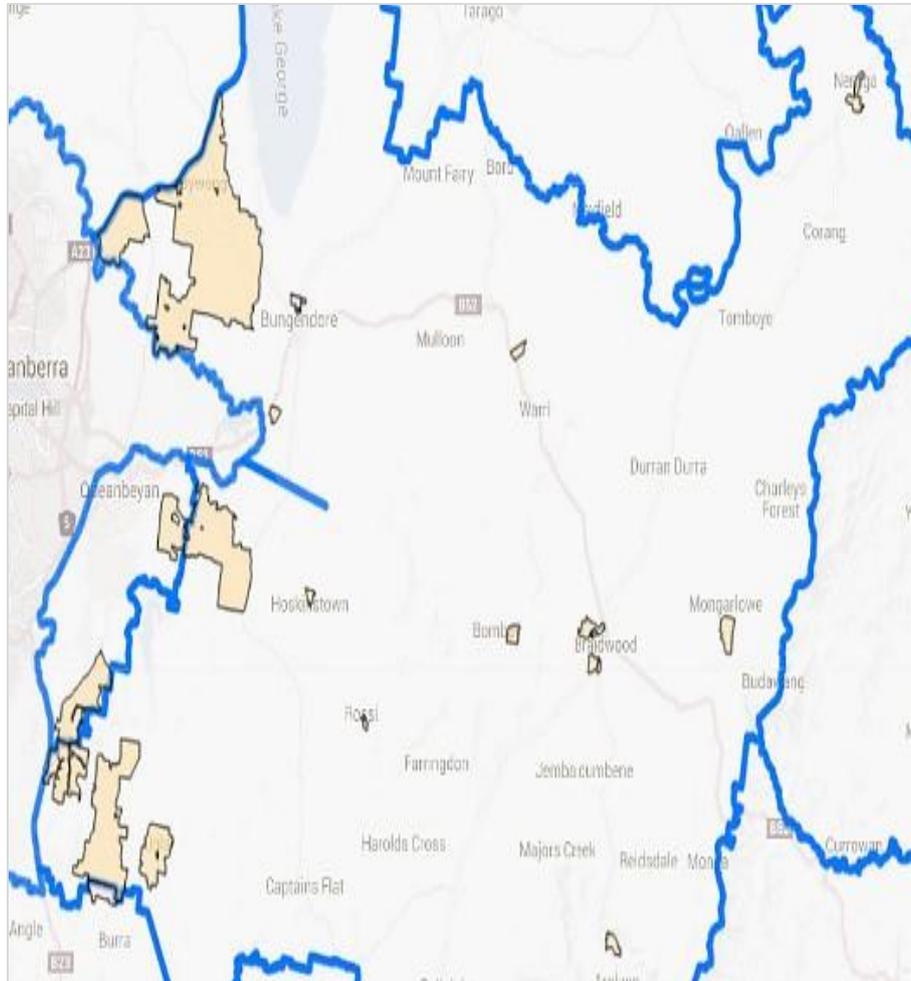
Kempsey R5

Commentary: R5 zones do have vegetation but more general rural residential character.



16.4.4 Palerang R5 and E4

General character: R5 - Used in only 2 small areas adjoining towns. E4 - Used for almost all rural residential.



Palerang E4 and R5

Commentary: R5 is proposed as a true large lot urban. E4 covers both lands of biodiversity value and more general rural residential land.



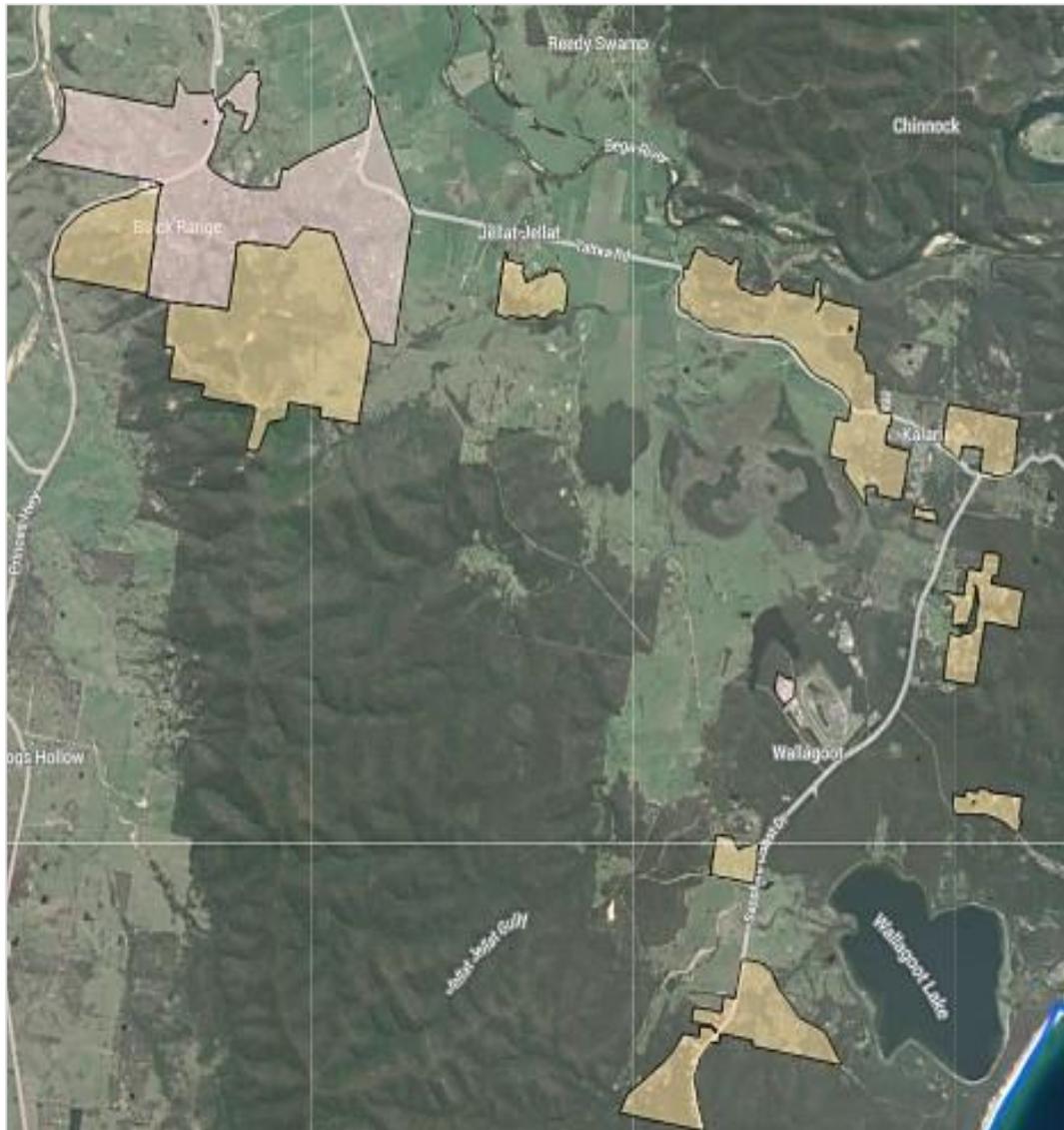
Bega Valley R5 and E4

Commentary: Both R5 and E4 here have native vegetation but the R5 is more disturbed and has a smaller lot size/less constraints.



Bega Valley R5 and E4

Commentary: The R5 is mostly cleared small lot areas. The E4 has larger lot sizes and either has biodiversity or is in closer proximity to sensitive natural areas.



16.5 APPENDIX 5: USE OF TERRESTRIAL BIODIVERSITY OVERLAYS

16.5.1 Coffs Harbour

Commentary: Use throughout LGA is moderate.

Mapping used mostly along eastern side of LGA. Mapping used towards inland/western areas are mostly along watercourses.



16.5.2 Shoalhaven

Observations: Use throughout LGA is quite extensive. Appears to include most extant native vegetation on private land.



16.5.3 Richmond Valley

Observations: Use throughout LGA is extensive.



16.5.4 Upper Hunter

Observations: Use throughout LGA is extensive. Appears to include most extant native vegetation on private land.



16.5.5 Upper Lachlan

Observations: Use throughout LGA is extensive. Would appear to include native grasslands.



16.5.6 Cooma-Monaro

Observations: Use throughout LGA is extensive.



16.5.7 Snowy River

Observations: Mapping used extensively throughout the LGA, including some National Park and Reserves.



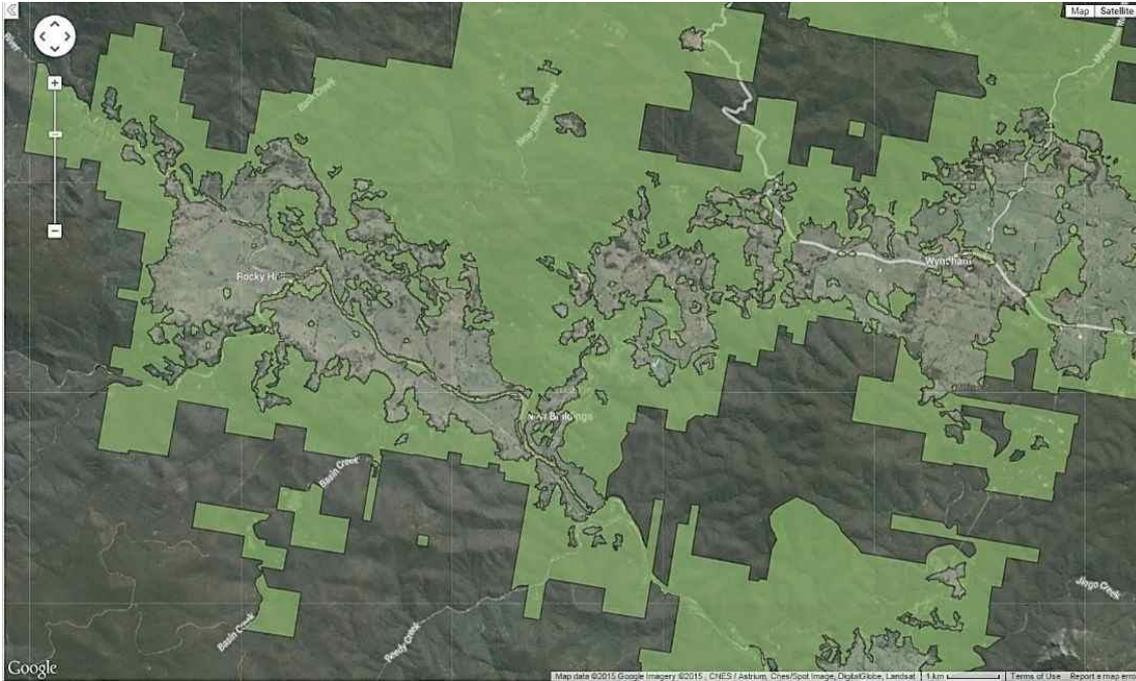
16.5.8 Yass Valley

Observations: Use throughout LGA is extensive. Appears to include some native grasslands.



16.5.9 Bega Valley

Observations: Use throughout LGA is extensive and appears to cover most extant native vegetation on private lands.



16.5.10 Bombala

Observations: Use throughout LGA is moderate to extensive. Appears to include some areas of native grasslands.

