



New South Wales

State Environmental Planning Policy (Rural Lands) 2008

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/01214/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Contents

	Page
Part 1 Preliminary	
1 Name of Policy	3
2 Aims of Policy	3
3 Definitions	3
4 Land to which Policy applies	4
5 Relationship with other environmental planning instruments	4
6 Repeal of Schedule	4
Part 2 Rural Planning Principles	
7 Rural Planning Principles	6
Part 3 Rural subdivisions and dwellings	
8 Rural Subdivision Principles	7
9 Rural subdivision for agricultural purposes	7
10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings	7
11 Amendment of concessional lot provisions	8
Part 4 State significant agricultural land	
12 Objects of Part	9
13 State significant agricultural land	9
Part 5 Rural lands planning panels	
14 Functions of panels	10
15 Constitution of panels	10
16 Members of panels	10
17 Alternate member	10
18 Term and other conditions of office	11
19 Vacancy in office	11
20 Pecuniary interests	11
21 Procedure at meetings	11
22 Quorum	11
Part 6 Miscellaneous	
23 Existing development applications	12
Schedule 1 Amendment of other environmental planning instruments	13
Schedule 2 State significant agricultural land	74

Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy (Rural Lands) 2008*.

2 Aims of Policy

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- (c) to implement measures designed to reduce land use conflicts,
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

3 Definitions

- (1) In this Policy:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

environment protection zone means any of the following, or an equivalent land use zone:

- (a) Zone E1 National Parks and Nature Reserves,
- (b) Zone E2 Environmental Conservation,
- (c) Zone E3 Environmental Management,
- (d) Zone E4 Environmental Living.

panel means a rural lands planning panel constituted under Part 5.

Rural Planning Principles—see clause 7.

rural residential zone means Zone R5 Large Lot Residential or an equivalent land use zone.

Rural Subdivision Principles—see clause 8.

2008 No 128

Clause 4 State Environmental Planning Policy (Rural Lands) 2008

Part 1 Preliminary

rural zone means any of the following, or an equivalent land use zone:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU3 Forestry,
- (d) Zone RU4 Rural Small Holdings,
- (e) Zone RU6 Transition.

State significant agricultural land—see clause 13.

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) A reference in this Policy to land within a named land use zone is a reference to land that, under an environmental planning instrument made as provided by section 33A (2) of the Act, is within that zone.
- (3) A reference in this Policy to land within a land use zone that is equivalent to a named land use zone is a reference to land that, under an environmental planning instrument that is not made as provided by section 33A (2), is within a land use zone that (in the opinion of the consent authority for the land) is equivalent to that named land use zone.
- (4) Notes included in this Policy do not form part of this Policy.

4 Land to which Policy applies

This Policy applies to the State, other than those parts of the State within the following local government areas:

Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, City of Sydney, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Warringah, Waverley, Willoughby, Wollondilly, Wollongong, Woollahra, Wyong.

5 Relationship with other environmental planning instruments

If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

6 Repeal of Schedule

- (1) Schedule 1 is repealed on the day following the day on which this Policy commences.

- (2) The repeal of that Schedule does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

2008 No 128

Clause 7 State Environmental Planning Policy (Rural Lands) 2008

Part 2 Rural Planning Principles

Part 2 Rural Planning Principles

7 Rural Planning Principles

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Note. Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles. Under section 55 of the Act, the Minister may also direct a council to prepare a local environmental plan.

Part 3 Rural subdivisions and dwellings

Note. This Policy does not change the minimum lot size provision in existing environmental planning instruments. This Policy does permit variation of minimum lot sizes for agricultural purposes (see clause 9).

8 Rural Subdivision Principles

The Rural Subdivision Principles are as follows:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

Note. Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to changes in minimum lot sizes under local environmental plans in accordance with the Rural Planning Principles and the Rural Subdivision Principles. Under section 55 of the Act, the Minister may also direct a council to prepare a local environmental plan.

9 Rural subdivision for agricultural purposes

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) Land in a rural zone may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land.
- (3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (4) A dwelling cannot be erected on such a lot.
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to a development standard under this clause.

10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings

- (1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.

2008 No 128

Clause 11 State Environmental Planning Policy (Rural Lands) 2008

Part 3 Rural subdivisions and dwellings

- (2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,
 - (b) erection of a dwelling.
- (3) The following matters are to be taken into account:
 - (a) the existing uses and approved uses of land in the vicinity of the development,
 - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

11 Amendment of concessional lot provisions

The environmental planning instruments specified in Schedule 1 are amended as set out in that Schedule.

Note. The amendments made by the Schedule do not affect any existing entitlement in any environmental planning instrument to erect a dwelling on land within a rural zone or an environment protection zone.

Part 4 State significant agricultural land

12 Objects of Part

The objects of this Part are as follows:

- (a) to identify State significant agricultural land and to provide for the carrying out of development on that land,
- (b) to provide for the protection of agricultural land:
 - (i) that is of State or regional agricultural significance, and
 - (ii) that may be subject to demand for uses that are not compatible with agriculture, and
 - (iii) if the protection will result in a public benefit.

13 State significant agricultural land

- (1) Land is State significant agricultural land if it is listed in Schedule 2.
- (2) The provisions in Schedule 2 relating to the carrying out of development on State significant agricultural land have effect.

2008 No 128

Clause 14 State Environmental Planning Policy (Rural Lands) 2008

Part 5 Rural lands planning panels

Part 5 Rural lands planning panels

14 Functions of panels

- (1) A rural lands planning panel is, at the request of the Director-General, to advise the Director-General with respect to a rural lands development application that contravenes a development standard.

Note. Under *State Environmental Planning Policy No 1—Development Standards*, and provisions equivalent to clause 4.6 of the standard instrument under the *Standard Instrument (Local Environmental Plans) Order 2006*, the Director-General's concurrence is required to development consent that contravenes a development standard.

- (2) In this clause:
rural lands development application means an application for development consent to subdivide land or to erect a dwelling on land in a rural zone or an environment protection zone or on land within a rural residential zone that adjoins a rural zone.

15 Constitution of panels

- (1) The Minister may constitute one or more rural lands planning panels.
- (2) A panel may be constituted for a region or for one or more local government areas or for all the local government areas to which this Policy applies.
- (3) More than one panel may be constituted in relation to the same region or the same local government area.

16 Members of panels

- (1) A panel is to consist of not more than 3 persons appointed by the Minister.
- (2) The Minister is to appoint one of the members of a panel as the chairperson of the panel.
- (3) A person is qualified for appointment as a member of a panel if the person has expertise in any one or more of the following, namely, planning, local government, primary production or economics.
- (4) In appointing the members of a panel, the Minister is to ensure, as far as practicable, that the members have expertise in a mix of the disciplines referred to in subclause (3).

17 Alternate member

- (1) The Minister may appoint one or more alternate members for a panel.
- (2) An alternate member may act in the place of any member of the panel who for any reason is unable to act as a member.

- (3) An alternate member must have one of the qualifications referred to in clause 16 (3) and is not required to have the same qualification as the member in whose place the alternate member acts.
- (4) The provisions of this Part apply to an alternate member in the same way as those provisions apply to a member.

18 Term and other conditions of office

A member of a panel:

- (a) holds office for such term as is determined by the Minister, and
- (b) ceases to hold office in such circumstances as are determined by the Minister, and
- (c) is entitled to such remuneration, if any, and to the payment of such expenses, if any, as are determined by the Minister, and
- (d) holds office subject to such conditions as are determined by the Minister.

19 Vacancy in office

If the office of a member of a panel becomes vacant, a person may, subject to this Policy, be appointed to fill the vacancy.

20 Pecuniary interests

A member of a panel who has a pecuniary interest (within the meaning of sections 442 and 443 of the *Local Government Act 1993*) in any matter that is the subject of advice by the panel and who is present at a meeting of the panel at which the matter is being considered:

- (a) must disclose the interest to the meeting as soon as practicable, and
- (b) must not take part in the consideration or discussion of the matter, and
- (c) must not vote on any question relating to the matter.

21 Procedure at meetings

Subject to clause 22, the procedure at meetings of a panel is to be determined by the Minister or, in the absence of any such determination, by the panel.

22 Quorum

The quorum at a meeting of a panel is a majority of the members for the time being of the panel.

2008 No 128

Clause 23 State Environmental Planning Policy (Rural Lands) 2008

Part 6 Miscellaneous

Part 6 Miscellaneous

23 Existing development applications

If a development application has been made before the commencement of this Policy in relation to land to which this Policy applies and the application has not been finally determined before that commencement, the application must be determined as if this Policy had not been commenced.

Schedule 1 Amendment of other environmental planning instruments

(Clause 11)

1.1 Albury Local Environmental Plan 2000

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 32 How can land be subdivided in the Environment Protection Zone?

Omit clause 32 (1) (b).

[3] Clause 32, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 33A

Insert after clause 33:

33A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.2 Barraba Local Environmental Plan 1990

[1] Clause 5 Definitions

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 12 Consolidation of land within Zone No 1 (a)

Omit the clause.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[3] Clause 13 Subdivision for the purpose of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.3 Bega Valley Local Environmental Plan 2002

[1] Clause 9 Definitions

Insert after clause 9 (1):

- (2) Notes in this plan do not form part of this plan.

[2] Clause 16 Limited subdivisions for the purpose of dwellings within Zone 1 (a)

Omit the clause.

[3] Clause 17 Controls for erecting dwelling houses within Zone 1 (a)

Omit clause 17 (2) (c) and (3).

[4] Clause 17 (10)

Omit "or 16".

[5] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising

under a provision of this plan (as in force before that amendment) to erect a dwelling house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[6] Clause 18 Controls for subdivision for other purposes within Zone 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

1.4 Berrigan Local Environmental Plan 1992

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purpose of agriculture within Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 14 Subdivision for the purposes of dwellings within Zone No 1 (a)

Omit the clause.

[4] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

1.5 Bland Local Environmental Plan 1993

[1] Clause 5 Interpretation

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purposes of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 13 Subdivision for the purposes of dwellings in Zone No 1 (a)

Omit the clause.

[4] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.6 Blayney Local Environmental Plan 1998

[1] Clause 5 Definitions

Omit clause 5 (4). Insert instead:

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purpose of agriculture in Zones Nos 1 (a), 7 (a) and 7 (c)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 13 Subdivision for the purpose of dwelling-houses in Zones Nos 1 (a), 7 (a) and 7 (c)

Omit clause 13 (3).

[4] Clause 17B

Insert after clause 17A:

17B Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.7 Bogan Local Environmental Plan 1991

[1] Clause 5 Definitions

Insert after clause 5 (4):

- (5) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision of land generally

Omit “, (4), (5)” from clause 12 (2).

[3] Clause 12 (4) and (5)

Omit the subclauses.

[4] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[5] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.8 Bombala Local Environmental Plan 1990

[1] Clause 15 Subdivision of land within Zone No 1 (a) for the purpose of agriculture

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[2] Clause 17 Subdivision of land within Zone No 1 (a) for the purpose of a dwelling-house

Omit the clause.

[3] Clause 19 Dwelling-houses—Zone No 1 (a)

Omit clause 19 (1) (c).

[4] Clause 19 (5)

Omit “but subject to subclause (6)”.

[5] Clause 19 (6)

Omit the subclause.

[6] Clause 19A

Insert after clause 19:

19A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.9 Bourke Local Environmental Plan 1998

[1] Clause 6 Definitions

Omit clause 6 (3). Insert instead:

- (3) Notes in this plan do not form part of this plan.

[2] Clause 13 Subdivision for the purpose of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 14 Subdivision for the purpose of dwellings in Zone No 1 (a)

Omit the clause.

[4] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.10 Brewarrina Local Environmental Plan 2000

[1] Clause 13 Subdivision for the purpose of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[2] Clause 14 Subdivision for the purpose of dwellings in Zone No 1 (a)

Omit the clause.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[3] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.11 Cabonne Local Environmental Plan 1991

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purposes of agriculture in Zones Nos 1 (a) and 7 (c)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 14 Subdivision for the purposes of dwellings in Zones Nos 1 (a) and 7 (c)

Omit the clause.

[4] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[5] Clause 37 Subdivision of certain land in Spring Hill and in the vicinity of Fannings Lane, Orange

Omit clause 37 (2) (a). Insert instead:

- (a) each such allotment has an area of not less than 0.4 hectares and generally not more than 5 hectares (unless justified on the grounds of water supply or agricultural buffer, or both), and
- (a1) each such allotment does not compromise prime crop and pasture land, and
- (a2) the creation of each such allotment is unlikely to adversely affect the existing and potential capability of the land and adjacent land to produce food or fibre, and
- (a3) the creation of each such allotment is unlikely to generate additional servicing costs beyond those that can be met by the developer, and

1.12 Conargo Local Environmental Plan 1987

[1] Clause 4 Interpretation

Insert after clause 4 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 11 Rural subdivision—Zone No 1 (a)

Omit “or (5) (b)” from the definition of *concessional lot* in clause 11 (2).

[3] Clause 11 (5)

Omit “either or both of the following purposes”.

Insert instead “the following purpose”.

[4] Clause 11 (5) (b)

Omit the paragraph.

[5] Clause 11, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[6] Clause 13 Dwelling-houses—rural land

Insert “or” at the end of clause 13 (3) (b).

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[7] Clause 13 (3) (c)

Omit the paragraph.

[8] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.13 Coolah Local Environmental Plan 2000

[1] Clause 5 Interpretation

Omit clause 5 (4). Insert instead:

- (4) Notes in this plan do not form part of this plan.

[2] Clause 10 Consideration of proposed development within rural zones

Omit “13 or” from clause 10 (3) (c).

[3] Clause 12 Subdivision for the purpose of agriculture in Zone 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 13 Subdivision for the purpose of dwellings in Zone 1 (a)

Omit the clause.

[5] Clause 16 Dwellings in Zone 1 (a)

Omit “, 13,” from clause 16 (1) (b).

[6] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.14 Coolamon Local Environmental Plan 1995

[1] Clause 5 Definitions

Insert after clause 5 (4):

- (5) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purposes of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 13 Subdivision for the purposes of dwelling-houses in Zone No 1 (a)

Omit the clause.

[4] Clause 17 Dwellings in Zone No 1 (a)—vacant land

Omit clause 17 (1) (b) (i).

[5] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.15 Cooma-Monaro Local Environmental Plan 1999—(Rural)

[1] Clause 6 How are terms defined in this plan?

Omit clause 6 (3). Insert instead:

- (3) Notes in this plan do not form part of this plan.

[2] Clause 14 Subdivision

Omit “or a dwelling house” from clause 14 (2A) (b).

[3] Clause 14, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 15 Residential development

Omit “(2)” from clause 15 (1) (b). Insert instead “(2A)”.

[5] Clause 15A

Insert after clause 15:

15A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[6] Schedule 2 General considerations for development, including subdivision in rural areas

Omit “Clause 14 (2)”. Insert instead “Clause 14 (2A)”.

1.16 Coonabarabran Local Environmental Plan 1990

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clauses 12 and 15

Insert at the end of each clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clauses 13 and 16

Omit the clauses.

[4] Clause 20A

Insert after clause 20:

20A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.17 Coonamble Local Environmental Plan 1997

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clauses 12 and 13

Omit the clauses. Insert instead:

12 Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[3] Schedule 3 Subdivision for the purpose of agriculture in Zone No 1 (a)

Omit clause 12 (4).

[4] Schedule 3, clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[5] Schedule 4 Subdivision for any other purpose in Zone No 1 (a)

Omit clause 13 (2)–(4).

1.18 Corowa Local Environmental Plan 1989

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purposes of agriculture within Zones Nos 1 (a) and 7 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 13 Subdivision for the purposes of dwellings within Zones Nos 1 (a) and 7 (a)

Omit the clause.

[4] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or

-
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.19 Crookwell Local Environmental Plan 1994

[1] Clause 5 What do terms in this plan mean?

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 11 What is the minimum size for new agricultural allotments in zones 1 (a) and 1 (c)?

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 12 What are the requirements that apply to subdivisions of land in zone 1 (a) for the purpose of creating dwelling house lots?

Omit the clause.

[4] Clause 14 What are the requirements for erecting dwellings on land zoned 1 (a) or 1 (c)?

Omit clause 14 (1) (b).

[5] Clause 14 (1) (c)

Omit "in accordance with clause 12".

[6] Clause 14 (2A)

Omit the subclause.

[7] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[8] Schedule 2 Land referred to in clause 12 (5) (b)

Omit the Schedule.

1.20 Culcairn Local Environmental Plan 1998

[1] Clause 5 Interpretation

Omit clause 5 (4). Insert instead:

(4) Notes in this plan do not form part of this plan.

[2] Clause 14 Subdivision of land for the purpose of agriculture within Zone No 1 (a)

Omit clause 14 (4).

[3] Clause 14, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 19 Dwelling-houses within Zone No 1 (a)

Omit “, or” from clause 19 (b) (ii).

[5] Clause 19 (b) (iii)

Omit the subparagraph.

[6] Clause 19A

Insert after clause 19:

19A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.21 Forbes Local Environmental Plan 1986**[1] Clause 5 Interpretation**

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision within Zone No 1 (a)

Omit clause 12 (3).

[3] Clause 12 (1)

Omit "(2)–(4)". Insert instead "(2) and (4)".

[4] Clause 12 (5)

Omit "subclauses (2) and (3)". Insert instead "subclause (2)".

[5] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[6] Clause 13 Dwelling-houses within Zone No 1 (a)

Omit clause 13 (1) (c).

[7] Clause 13 (2)

Omit "(1) (b)–(e)". Insert instead "(1) (b), (d) or (e)".

[8] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

1.22 Glen Innes Local Environmental Plan 1991

[1] Clause 5 Definitions

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 9 Zone objectives and development control table

Omit paragraph (c) of item 2 (Objectives of Zone) of the matter relating to Zone No 1 (a) in the Table to clause 9.

[3] Clause 12 Subdivision and development within Zone No 1 (a)

Omit clause 12 (6).

[4] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[5] Clause 12A

Insert after clause 12:

12A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.23 Gloucester Local Environmental Plan 2000

[1] Clause 28 Subdivision exceptions

Omit “Subject to this clause, the” from clause 28(1). Insert instead “The”.

[2] Clause 28 (1) (b)

Omit “purpose, or”. Insert instead “purpose”.

[3] Clause 28 (1) (c)

Omit the paragraph.

[4] Clause 28 (2) and (3)

Omit the subclauses.

[5] Clause 28, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[6] Clause 29A

Insert after clause 29:

29A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.24 Griffith Local Environmental Plan 2002

[1] Clause 12 Subdivision for agriculture in Zones 1 (a), 1 (b), 1 (d), 1 (e), 1 (g) and 1 (i)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[2] Clause 17 Subdivision excising an existing dwelling within Zones 1 (d) and 1 (i)

Omit the clause.

[3] Clause 21 Single dwellings within Zones 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (g), 1 (h), 1 (i) and 7 (c)

Omit clause 21 (4).

[4] Clause 21 (6)

Omit “(2)–(5)”. Insert instead “(2), (3) and (5)”.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[5] Clause 21A

Insert after clause 21:

21A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[6] Schedule 2 Provisions to which SEPP 1 applies

Omit “Clause 17 (d) and (e)”.

1.25 Guyra Local Environmental Plan 1988

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 11 Subdivision of land within Zone No 1 (a) or 1 (b)

Omit clause 11 (3) and (4).

[3] Clause 11, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 14 Erection of dwelling-houses in Zone No 1 (a) or 1 (b)

Omit clause 14 (3) (c). Insert instead:

- (c) the allotment has an area of less than 200 hectares but was lawfully created under *Interim Development Order No 4—Shire of Guyra*.

[5] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.26 Hay Local Environmental Plan 1998

[1] Clause 5 Interpretation

Omit clause 5 (3). Insert instead:

- (3) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision of land within Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 12A

Omit the clause. Insert instead:

12A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

1.27 Hume Local Environmental Plan 2001

[1] Clause 15 Rural (Agriculture) Zone

Omit from the Table to clause 15 (2):

- (3) Despite subclauses (1) and (2), consent may be granted for the excision of a lot of less than 2 hectares for use by a retired farmer.

[2] Clause 16 Rural (Environment) Zone

Omit from the Table to clause 16 (2):

- (3) Despite subclauses (1) and (2), consent may be granted for the excision of a lot of less than 2 hectares containing a dwelling for use by a retired farmer.

[3] Clause 16, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.28 Interim Development Order No 1—Shire of Balranald

[1] Clause 2

Insert after clause 2 (2):

- (3) Notes in this Order do not form part of this Order.

[2] Clause 13

Omit clause 13 (4).

[3] Clause 13 (6)

Omit “of the types referred to in subclause (3) or (4) that may be created (whether by one or successive subdivisions) in accordance with either of those subclauses shall not exceed—”.

Insert instead “that may be created (whether by one or successive subdivisions) in accordance with subclause (3) must not exceed.”.

[4] Clause 13, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[5] Clause 14

Omit clause 14 (2) (c).

[6] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.29 Interim Development Order No 1—Shire of Boorowa

[1] Clause 2

Insert after clause 2 (2):

- (3) Notes in this Order do not form part of this Order.

[2] Clause 12

Omit clause 12 (3).

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[3] Clause 12 (5)

Omit “of the types referred to in subclause (2) or (3) that may be created by subdivision of land in accordance with either of those subclauses, shall not exceed—”.

Insert instead “that may be created by subdivision of land in accordance with subclause (2) must not exceed.”.

[4] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[5] Clause 13

Insert “or” at the end of clause 13 (1) (b).

[6] Clause 13 (1) (c)

Omit the paragraph.

[7] Clause 13 (2)

Omit “, (c)”.

[8] Clause 13 (3) (b)

Omit the paragraph.

[9] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.30 Interim Development Order No 1—Shire of Carrathool

[1] Clause 2

Insert after clause 2 (2):

- (3) Notes in this Order do not form part of this Order.

[2] Clause 13

Omit clause 13 (4).

[3] Clause 13 (6)

Omit “of the types referred to in subclause (3) or (4) that may be created (whether by one or successive subdivisions) in accordance with either of those subclauses shall”.

Insert instead “that may be created (whether by one or successive subdivisions) in accordance with subclause (3) must”.

[4] Clause 13, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[5] Clause 14

Omit clause 14 (2) (c).

[6] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

1.31 Interim Development Order No 1—Shire of Cootamundra

[1] Clause 2

Insert after clause 2 (2):

- (3) Notes in this Order do not form part of this Order.

[2] Clause 12

Omit clause 12 (3).

[3] Clause 12 (5)

Omit “of the types referred to in subclause (2) or (3) that may be created by subdivision of land in accordance with either of those subclauses, shall”.

Insert instead “that may be created by subdivision of the land in accordance with subclause (2) must”.

[4] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[5] Clause 13

Omit clause 13 (1) (c).

[6] Clause 13 (2)

Omit “paragraph (b), (c) or (d) of subclause (1)”.

Insert instead “subclause (1) (b) or (d)”.

[7] Clause 13 (3) (b)

Omit the paragraph.

[8] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or

-
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.32 Interim Development Order No 1—Shire of Evans

[1] Clause 2 Interpretation

Insert after clause 2 (3):

- (4) Notes in this Order do not form part of this Order.

[2] Clause 15 Subdivision of rural land

Omit the definition of *concessional allotment* in clause 15 (2).

[3] Clause 15 (5) and (6)

Omit the subclauses and the heading relating to those subclauses.

[4] Clause 15 (8) and (9) (a)

Omit “(4), (5) or (7)” wherever occurring. Insert instead “(4) or (7)”.

[5] Clause 15, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[6] Clause 16 Dwelling-houses on rural land

Omit clause 16 (3) (b).

[7] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

1.33 Interim Development Order No 1—Shire of Harden

[1] Clause 2

Insert after clause 2 (2):

- (3) Notes in this Order do not form part of this Order.

[2] Clause 13

Omit clause 13 (3).

[3] Clause 13 (5)

Omit “of the types referred to in subclause (2) or (3) that may be created by subdivision of land in accordance with either of those subclauses, shall”.

Insert instead “that may be created by subdivision of the land in accordance with subclause (2) must”.

[4] Clause 13, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[5] Clause 14

Insert “or” at the end of clause 14 (1) (b).

[6] Clause 14 (1) (c)

Omit the paragraph.

[7] Clause 14 (3) (b)

Omit the paragraph.

[8] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.34 Interim Development Order No 1—Shire of Holbrook

[1] Clause 3

Insert after clause 3 (3):

- (4) Notes in this Order do not form part of this Order.

[2] Clause 12

Omit clause 12 (3).

[3] Clause 12 (5)

Omit “of the types referred to in subclause (2) or (3) that may be created by subdivision of land in accordance with either of those subclauses, shall”.

Insert instead “that may be created by subdivision of the land in accordance with subclause (2) must”.

[4] Clause 13

Omit clause 13 (1) (c).

[5] Clause 13 (2)

Omit “paragraph (b), (c), (d) or (e) of subclause (1)”.

Insert instead “subclause (1) (b), (d) or (e)”.

[6] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.35 Interim Development Order No 1—Shire of Walgett

[1] Clause 2

Insert after clause 2 (2):

- (3) Notes in this Order do not form part of this Order.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[2] Clause 11

Omit clause 11 (3).

[3] Clause 11 (5)

Omit “of the types referred to in subclause (2) or (3) that may be created by subdivision of land in accordance with either of those subclauses, shall not exceed—”.

Insert instead “that may be created by subdivision of land in accordance with subclause (2), must not exceed:”.

[4] Clause 11, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[5] Clause 12

Omit clause 12 (1) (c).

[6] Clause 12 (2)

Omit “(c),”.

[7] Clause 12A

Insert after clause 12:

12A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.36 Interim Development Order No 1—Shire of Warren

[1] Clause 2

Insert after clause 2 (2):

- (3) Notes in this Order do not form part of this Order.

[2] Clause 11

Omit clause 11 (3).

[3] Clause 11 (5)

Omit “of the types referred to in subclause (2) or (3) that may be created by subdivision (whether by one or successive subdivisions) in accordance with either of those subclauses, shall not exceed—”.

Insert instead “that may be created (whether by one or successive subdivisions) in accordance with subclause (2) must not exceed.”.

[4] Clause 11, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this Order for the purposes of primary production.

[5] Clause 11A

Omit clause 11A (1) (c).

[6] Clause 11A (2)

Omit “(c),”.

[7] Clause 12A

Insert after clause 12:

12A Dwelling entitlements on existing concessional lots

The amendment of this Order by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Order (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.37 Inverell Local Environmental Plan 1988

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[2] Clause 11 Subdivision in rural areas

Omit clause 11 (7) and (8).

[3] Clause 11, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.38 Jerilderie Local Environmental Plan 1993

[1] Clause 5 Interpretation

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purpose of agriculture within Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 13 Subdivision for the purposes of dwelling-houses within Zone No 1 (a)

Omit the clause.

[4] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.39 Junee Local Environmental Plan 1992

[1] Clause 13 Subdivision for the purposes of agriculture within Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[2] Clause 14 Subdivision for the purposes of dwellings within Zone No 1 (a)

Omit the clause.

[3] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.40 Kiama Local Environmental Plan 1996

[1] Clause 6 Definitions

Insert after clause 6 (2):

- (3) Notes in this plan do not form part of this plan.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[2] Clause 10 Rural “A” Zone—Subdivision

Omit “(4) or” from clause 10 (3).

[3] Clause 10 (4)

Omit the subclause.

[4] Clause 10, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[5] Clause 11 Rural “A” Zone—Dwelling-houses

Omit “(4) or” from clause 11 (3) (b).

[6] Clause 11 (3) (c)

Omit the paragraph.

[7] Clause 11A

Insert after clause 11:

11A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[8] Clause 30 Rural Environmental Protection (Scenic) Zone—Subdivision

Omit clause 30 (3)–(5).

[9] Clause 31 Rural Environmental Protection (Scenic) Zone—Dwelling-houses

Omit “(4) or” from clause 31 (3) (b).

[10] Clause 31 (3) (c)

Omit the paragraph.

[11] Clause 31, note

Insert at the end of the clause:

Note. Clause 11A provides for the erection of dwelling-houses on any lots created before the commencement of the *State Environmental Planning Policy (Rural Lands) 2008*.

1.41 Leeton Local Environmental Plan No 4

[1] Clause 5 Interpretation

Insert after clause 5 (2):

(3) Notes in this plan do not form part of this plan.

[2] Clause 9 Interpretation

Omit “, or” from the end of paragraph (c) of the definition of *concessional allotment*.

[3] Clause 9, definition of “concessional allotment”

Omit paragraph (d).

[4] Clause 10 Subdivision of land within Zone No 1 (a), 1 (b) or 1 (f) outside irrigation areas

Omit “Subject to subclause (6), the council may consent to an application to subdivide land to which this clause applies (not being land which forms the whole or part of an existing holding of less than 10 hectares in area) for either or both of the following purposes:” from clause 10 (5).

Insert instead “The council may consent to an application to subdivide land to which this clause applies (not being land which forms the whole or part of an existing holding of less than 10 hectares in area) for the following purpose:”.

[5] Clause 10 (5) (a) (iii)

Omit “, or”.

[6] Clause 10 (5) (b) and (6)

Omit the subclauses.

[7] Clause 10, note

Insert at the end of clause 10:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[8] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.42 Lithgow City Local Environmental Plan 1994

[1] Clause 6 Definitions

Insert after clause 6 (2):

- (3) Notes in this Plan do not form part of this Plan.

[2] Clause 12 Subdivision in Zone No 1 (a)

Omit “either subclause (2), (3) or (4) and not otherwise. Each of those subclauses provides a separate and mutually exclusive set of requirements.” from clause 12 (1).

Insert instead “subclause (2).”.

[3] Clause 12 (3)–(5)

Omit the subclauses.

[4] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[5] Clause 17 Erection of a dwelling in Zone No 1 (a)

Omit clause 17 (d).

[6] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this Plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this Plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.43 Manilla Local Environmental Plan 1988

[1] Clause 5 Definitions

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 12 Consolidation of rural land

Omit the clause.

[3] Clause 14 Subdivision for agricultural purposes in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

1.44 Moree Plains Local Environmental Plan 1995

[1] Clause 5 Definitions

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 14 Subdivision for purpose of agriculture in Zones Nos 1 (a) and 7

Omit clause 14 (4).

[3] Clause 14, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[4] Clause 15 Subdivision for purpose of dwellings in Zone Nos 1 (a) and 7

Omit the clause.

[5] Clause 18 Dwellings in Zones Nos 1 (a) and 7

Omit “or 15 (2)” from clause 18 (2) (b) (iii).

[6] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.45 Mulwarree Local Environmental Plan 1995

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 11 Subdivision of land generally

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 12 Subdivision of land for the purposes of dwelling-houses within Zone No 1 (a), 1 (b), 7 (a) or 7 (b)

Omit clause 12 (3)–(5).

[4] Clause 12 (6) and (7)

Omit “, (3) and (4)” wherever occurring.

[5] Clause 19A

Insert after clause 19:

19A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.46 Murrumbidgee Local Environmental Plan 1994

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for purpose of agriculture within Zone No 1 (a)

Omit clause 12 (3).

[3] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[4] Clause 17 Dwelling-houses within Zone No 1 (a)

Insert “or” at the end of clause 17 (2) (a) (ii).

[5] Clause 17 (2) (a) (iii)

Omit the subparagraph.

[6] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.47 Murrurundi Local Environmental Plan 1993

[1] Clause 5 Interpretation

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision of rural land

Omit clause 12 (4).

[3] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 14 Dwelling-houses on rural land

Omit “, or” from clause 14 (1) (b).

[5] Clause 14 (1) (c)

Omit the paragraph.

[6] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.48 Muswellbrook Local Environmental Plan 1985

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 14 Subdivision—special provisions

Omit clause 14 (4).

[3] Clause 14, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 15 Dwelling-houses

Omit “, or” from clause 15 (1) (c).

[5] Clause 15 (1) (d)

Omit the paragraph.

[6] Clause 15A

Insert after clause 15:

15A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.49 Narrandera Local Environmental Plan 1991

[1] Clause 12 Subdivision for the purpose of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[2] Clause 13 Subdivision for the purposes of dwellings in Zone No 1 (a)

Omit clause 13 (2).

[3] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.50 Nundle Local Environmental Plan 2000

[1] Clause 5 Definitions and interpretation

Omit clause 5 (3). Insert instead:

- (3) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purpose of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 14 Subdivision for the purpose of a dwelling in Zone No 1 (a)

Omit clause 14 (3) and (4).

[4] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.51 Nymboida Local Environmental Plan 1986**[1] Clause 5 Interpretation**

Insert after clause 5 (4):

- (5) Notes in this plan do not form part of this plan.

[2] Clause 10 Subdivision of land within Zone No 1 (a)

Omit clause 10 (3) and (4).

[3] Clause 10, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 11 Erection of dwelling-houses on land within Zone No 1 (a)

Omit clause 11 (1) (b).

[5] Clause 12

Insert after clause 11:

12 Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[6] Clause 13 Subdivision of land within Zone No 1 (b)

Omit clause 13 (3) and (4).

[7] Clause 14 Erection of dwelling-houses on land within Zone No 1 (b)

Omit clause 14 (1) (b).

[8] Clause 14 (1) (c)

Omit “subclause (5)”. Insert instead “clause 13 (5)”.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[9] Clause 14, note

Insert at the end of the clause:

Note. Clause 12 provides that this plan, as in force immediately before the commencement of the *State Environmental Planning Policy (Rural Lands) 2008*, continues to apply in respect of development for the purposes of erecting a dwelling-house on any lot created before that commencement. Nothing in that clause permits the creation of any additional lots.

[10] Clause 30 Subdivision of land within Zone No 7 (d)

Omit clause 30 (3) and (4).

[11] Clause 31 Erection of dwelling-houses on land within Zone No 7 (d)

Omit clause 31 (1) (b).

[12] Clause 31, note

Insert at the end of the clause:

Note. Clause 12 provides that this plan, as in force immediately before the commencement of the *State Environmental Planning Policy (Rural Lands) 2008*, continues to apply in respect of development for the purposes of erecting a dwelling-house on any lot created before that commencement. Nothing in that clause permits the creation of any additional lots.

1.52 Oberon Local Environmental Plan 1998

[1] Clause 12 Subdivision for the purpose of agriculture in Zone No 1 (a) or 1 (c)

Omit clause 12 (3)–(5) and (8).

[2] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clauses 13 and 14

Omit the clauses.

[4] Clause 16 Control of subdivision for other purposes in Zone No 1 (a) or 1 (e)

Omit “, 12A, 13 and 14” from clause 16 (1). Insert instead “and 12A”.

[5] Clause 16 (3)

Omit the subclause.

[6] Clause 18 Dwelling-houses in Zone No 1 (a)

Omit clause 18 (1) (a) (iii).

[7] Clause 18B

Insert after clause 18A:

18B Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.53 Parkes Local Environmental Plan 1990

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 13 Subdivision of land within Zone No 1 (a)

Omit clause 13 (4) and (5).

[3] Clause 13, note

Insert at the end of clause 13:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.54 Parry Local Environmental Plan 1987

[1] Clause 5 Interpretation

Insert after clause 5 (4):

- (5) Notes in this plan do not form part of this plan.

[2] Clause 13 Subdivision of land within Zone No 1 (a), 1 (b) or 1 (f)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 14 Subdivision exceptions—Zone No 1 (a) or 1 (b)

Omit clause 14 (1)–(5) and (8).

[4] Clause 17 Dwelling-houses—Zone No 1 (a), 1 (b), 1 (c) or 1 (f)

Omit “14,” from clause 17 (2) (b).

[5] Clause 17B

Insert after clause 17A:

17B Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.55 Quirindi Local Environmental Plan 1991

[1] Clause 5 Definitions

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 15 Subdivision of rural land

Omit clause 15 (4).

[3] Clause 15, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables the subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 16 Dwelling-houses on rural land

Omit clause 16 (4).

[5] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.56 Rylstone Local Environmental Plan 1996

[1] Clause 5 Interpretation

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purposes of agriculture within Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 13 Subdivision for the purposes of dwellings within Zone No 1 (a)

Omit clause 13 (1) (a). Insert instead:

- (a) has an area of not less than 40 hectares, and

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[4] Clause 13 (2)

Omit the subclause.

[5] Clause 20 Subdivision for the purposes of dwellings within Zone No 7 (c)

Omit clause 20 (1) (a). Insert instead:

- (a) has an area of not less than 40 hectares, and

[6] Clause 20 (2)

Omit the subclause.

[7] Clause 22A

Insert after clause 22:

22A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.57 Scone Local Environmental Plan 1986

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 10 Subdivision of land within Zone No 1 (d), 1 (e), 1 (i), 1 (s) or 7 (a)

Omit clause 10 (7).

[3] Clause 10, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 12 Rural dwellings

Omit clause 12 (2) (b).

[5] Clause 12A

Insert after clause 12:

12A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.58 Singleton Local Environmental Plan 1996

[1] Clause 9 How are terms defined in this plan?

Insert after clause 9 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 11 What general subdivision controls apply?

Omit “13,” from clause 11 (3).

[3] Clause 12 What provisions apply generally to subdivision in the Rural and Environment Protection Zones?

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 13 What provision is there for concessional lot subdivision in the Rural Zone?

Omit the clause.

[5] Clause 17 On what land in the Rural Zone can a dwelling-house or dual occupancy-attached be erected?

Omit “or 13” from clause 17 (4).

[6] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

under a provision of this plan (as in force before that amendment) to erect a dwelling-house or a dual occupancy-attached on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.59 Tallaganda Local Environmental Plan 1991

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 13 Subdivision of land for the purpose of agriculture within Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 14 Subdivision for the purpose of dwellings within Zone No 1 (a)

Omit the clause.

[4] Clause 21 Dwelling-houses within Zone No 1 (a)

Omit clause 21 (2) (b).

[5] Clause 21A

Insert after clause 21:

21A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.60 Temora Local Environmental Plan 1987

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision of rural land—Zone No 1 (a) or 1 (b)

Omit the definition of *concessional allotment* from clause 12 (2).

Insert instead:

concessional allotment means an allotment referred to in subclause (4) (a).

[3] Clause 12 (4) (a) (iv)

Omit “, or”.

[4] Clause 12 (4) (b)

Omit the paragraph.

[5] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[6] Clause 14 Dwelling-houses on land within Zone No 1 (a) or 1 (b)

Omit clause 14 (1) (b).

[7] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

1.61 Tumbarumba Local Environmental Plan 1998

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 11 Subdivision of land within Zone No 1 (a) or 7 (d)

Omit the definition of *concessional lot* from clause 11 (2).

[3] Clause 11 (6) and (7)

Omit the subclauses.

[4] Clause 11 (9)

Omit “, (6)”.

[5] Clause 11, note

Insert at the end of clause 11:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[6] Clause 13 Rural dwellings

Omit clause 13 (2) (c).

[7] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.62 Tumut Local Environmental Plan 1990

[1] Clause 5 Definitions

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision of land in Zone No 1 (a), 1 (b), 1 (c) or 1 (c1)

Insert “and” at the end of clause 12 (3) (a).

[3] Clause 12 (3) (b)

Omit the paragraph.

[4] Clause 12 (4)

Omit “(other than land referred to in subclause (5))”.

[5] Clause 12 (5)–(7) and (11)

Omit the subclauses.

[6] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[7] Clause 13 Dwelling-houses and dwellings in Zone No 1 (a), 1 (b), 1 (c), 1 (c1) or 1 (d)

Omit clause 13 (2) (a) (iii).

[8] Clause 13A

Insert after clause 13:

13A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.63 Urana Local Environmental Plan 1900

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[2] Clause 12 Subdivision for the purposes of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[3] Clause 14

Omit the clause. Insert instead:

14 Subdivision for the purposes of dwelling-houses in Zone No 1 (a)

The Council shall not consent to the creation of an allotment of land in Zone No 1 (a) intended to be used primarily for the purposes of a dwelling-house unless the allotment has an area of not less than 100 hectares.

[4] Clause 16 Dwelling-houses in Zone No 1 (a)

Omit clause 16 (1) (b) (i).

[5] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.64 Wagga Wagga Rural Local Environmental Plan 1991

[1] Clause 5 Interpretation

Insert after clause 5 (4):

- (5) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purposes of agriculture in Zone No 1

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 13 Subdivision for the purposes of dwellings in Zone No 1

Omit the clause.

[4] Clause 15 Subdivision for the purposes of the creation of small rural holdings

Omit clause 15 (5).

[5] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.65 Wakool Local Environmental Plan 1992

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purpose of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 14 Subdivision for the purpose of dwelling-houses in Zone No 1 (a)

Omit the clause.

[4] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.66 Walcha Local Environmental Plan 2000

[1] Clause 5 Definitions

Omit clause 5 (4). Insert instead:

- (4) Notes in this plan do not form part of this plan.

[2] Clause 13 Subdivision for the purpose of agriculture in Zones Nos 1 (a) and 7 (d)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 14 Subdivision for the purpose of dwellings in Zones Nos 1 (a) and 7 (d)

Omit clause 14 (1).

[4] Clause 14 (2)

Omit “Notwithstanding subclause (1), consent”. Insert instead “Consent”.

[5] Clause 18A

Insert after clause 18:

18A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.67 Weddin Local Environmental Plan 2002

[1] Clause 7 Definitions

Insert after clause 7 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 15 Concessional subdivision

Omit the clause.

[3] Clause 16 Subdivision for the purpose of agriculture in Zone No 1 (a)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[4] Clause 22A

Insert after clause 22:

22A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.68 Wellington Local Environment Plan 1995

[1] Clause 6 Definitions

Insert after clause 6 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 13 Subdivision of land within Zone No 1 (a)

Omit clause 13 (5) and (6).

[3] Clause 13, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[4] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.69 Wentworth Local Environmental Plan 1993

[1] Clause 5 Definitions

Insert after clause 5 (3):

- (4) Notes in this plan do not form part of this plan.

[2] Clause 13 Subdivision of land within Zone No 1 (a), 1 (c) or 1 (d)

Omit clause 13 (6A).

[3] Clause 13, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[4] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.70 Windouran Local Environmental Plan 1999

[1] Clause 5 Definitions

Omit clause 5 (4). Insert instead:

- (4) Notes in this plan do not form part of this plan.

[2] Clause 12 Subdivision for the purpose of agriculture within Zone No 1 (a)

Omit clause 12 (3).

[3] Clause 12, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[4] Clause 14 Subdivision for the purpose of dwelling-houses within Zone No 1 (a)

Omit the clause.

[5] Clause 17 Dwelling-houses within Zone No 1 (a)

Insert “or” at the end of clause 17 (2) (a) (ii).

[6] Clause 17 (2) (a) (iii)

Omit the subparagraph.

[7] Clause 17A

Insert after clause 17:

17A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.71 Yass Local Environmental Plan 1987

[1] Clause 11 Land within Zone No 1 (a) or 1 (b)

Omit “, (5)” from clause 11 (2).

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 1 Amendment of other environmental planning instruments

[2] Clause 11 (5) and (6)

Omit the subclauses.

[3] Clause 11, note

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

[4] Clause 14 Dwelling-houses

Omit “clause 11 (3),” from clause 14 (1) (a).

Insert instead “clause 11 (3) or (4), or”.

[5] Clause 14 (1) (b)

Omit the paragraph.

[6] Clause 14A

Insert after clause 14:

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

1.72 Young Local Environmental Rural Plan 1993

[1] Clause 5 Interpretation

Insert after clause 5 (2):

- (3) Notes in this plan do not form part of this plan.

[2] Clause 11 Subdivision for the purpose of agriculture or horticulture in Zones Nos 1 (a1), 1 (a2), 1 (a3) and 7 (e)

Insert at the end of the clause:

Note. Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

[3] Clause 12 Subdivision for the purpose of dwellings in Zones Nos 1 (a1), 1 (a2), 1 (a3) and 7 (e)

Omit the clause.

[4] Clause 16 Dwelling-houses—Zones Nos 1 (a1), 1 (a2), 1 (a3), 1 (c1), 1 (c2) and 7 (e)

Omit “12 or” from clause 16 (3) (a).

[5] Clause 16A

Insert after clause 16:

16A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house, or a dual occupancy under clause 31, on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

[6] Clause 31 Dual occupancy

Omit “an allotment created pursuant to clause 12 or” from clause 31 (5) (a).

[7] Clause 31, note

Insert at the end of the clause:

Note. Clause 16A provides that this plan, as in force immediately before the commencement of the *State Environmental Planning Policy (Rural Lands) 2008*, continues to apply in respect of development for the purposes of erecting a dwelling-house or a dual occupancy on any lot created before that commencement. Nothing in that clause permits the creation of any additional lots.

2008 No 128

State Environmental Planning Policy (Rural Lands) 2008

Schedule 2 State significant agricultural land

Schedule 2 State significant agricultural land

(Clause 13)

Note. At the time this Policy was made, this Schedule was blank.

BY AUTHORITY