

Amendment of provisions for rural lands

Proposal Title : **Amendment of provisions for rural lands**

Proposal Summary : **The proposal makes a number of amendments to planning controls applying mostly to rural areas of Hornsby Shire.**

PP Number : **PP_2015_HORNS_004_00**

Dop File No : **15/16809**

Proposal Details

Date Planning Proposal Received : **21-Sep-2015**

LGA covered : **Hornsby**

Region : **Metro(Parra)**

RPA : **The Council of the Shire of Horn**

State Electorate : **CASTLE HILL
EPPING
HAWKESBURY
HORNSBY
KU-RING-GAI**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Whole local government area**

DoP Planning Officer Contact Details

Contact Name : **Shane Nugent**

Contact Number : **0298601173**

Contact Email : **shane.nugent@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jason Rawlin**

Contact Number : **0298476737**

Contact Email : **jason.rawlin@hornsby.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

Contact Email : **terry.doran@planning.nsw.gov.au**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 200
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Proposed changes are:

- Increase the permitted size of secondary dwellings;
- Permit attached dual occupancies in rural zones, subject to maximum floor space provisions;
- Increase the permissible area for roadside stalls; and
- Amend the provisions for minimum lot size for lots which contain both rural and environmental protection zones.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The objectives of the proposal are to provide additional development opportunities that take better advantage of the capacity of the Hornsby rural lands for rural / residential accommodation, better promote agri-tourism based development opportunities and generally align with the community's vision for the rural lands.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The proposed provisions are as shown below.

1. Increase the maximum size of secondary dwellings permitted under clause 5.4(9) of Hornsby Local Environmental Plan 2013 to 33% of the total floor area of the principal dwelling (currently 20%). This provision applies to zones where secondary dwellings are permitted by the LEP, which are RU1, RU2, RU4 and RU5.

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2. Amend the land use tables for rural zones to permit attached dual occupancies with consent, subject to provisions related to minimum lot size and maximum floor area.

3. Increase the maximum permitted gross floor area of roadside stalls from 20 square metres to 40 square metres (clause 5.4(8)).

4. Amend clause 4.1B of Hornsby Local Environmental Plan 2013 to provide greater flexibility in the subdivision of lots which are split between rural and environmental protection zones. The proposed provision would mean that, where a lot contains both rural and environmental zoned land, the minimum lot size applying to the rural zoned land would apply to the entire site. This would be subject to a provision that each resulting lot must contain rural zoned land equal to at least 20% of the minimum lot size.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.2 Caravan Parks and Manufactured Home Estates

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 62—Sustainable Aquaculture

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SREP No 9—Extractive Industry (No 2—1995)

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

The proposal includes an assessment of its consistency with Section 117 Direction 1.5 Rural Lands. This Direction does not apply to Hornsby local government area. The proposal should be amended to show Direction 1.5 as not applicable.

The proposal is consistent with all applicable Section 117 Directions and State Environmental Planning Policies.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes a location map at Appendix A. Local environmental plan maps are not included, as the proposal does not require amendment of any maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Consultation should be required for a period of 28 days.

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Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Hornsby Local Environmental Plan 2013 came into effect in 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal arises from a community survey which identified community support for the introduction of increased development opportunities in rural areas of Hornsby. A planning proposal is necessary to amend the existing local environmental plan to achieve this objective.**

Consistency with strategic planning framework : **The proposal is not inconsistent with the strategic planning provisions for the Metropolitan Rural Area in the metropolitan strategy, "A Plan for Growing Sydney", which provides for the preparation of a strategic framework.**

Council has advised that the proposal is consistent with the provisions of the "Hornsby Shire Community Plan 2013-2023", and with the relevant studies and strategies, including the "Rural Lands Study 1995", "Rural Resource Study 2006" and "Rural Lands Planning Provisions Review 2009". The proposal recognises the value of agriculture in Hornsby Shire and does not promote fragmentation of rural land that may reduce the ability of the land to support potentially productive agricultural land uses in the future.

Environmental social economic impacts : **ENVIRONMENTAL IMPACTS**

The proposal does not amend any land use zones, and does not change the biodiversity provisions of the Plan.

The proposal, if adopted, will permit the subdivision of certain land in the E3 Environmental Management zone, where the lot is also partly in a rural zone, into smaller parcels than is currently permitted. However the zone objectives and biodiversity provisions will still have to be addressed in assessing any development application affecting environmentally sensitive land.

In addition, proposed Development Control Plan provisions will provide for a consistent pattern of subdivision, rather than the drawing of boundaries to maximise lot yield.

The proposal is likely to result in a very modest increase in the number of dwellings in the rural area - perhaps a few hundred dwellings over ten years. This would lead to some minor increases in traffic and other environmental impacts.

ECONOMIC AND SOCIAL IMPACTS

Increased housing opportunities will have some positive economic and social benefits for the region. The increased size of roadside stalls may give more opportunity for farms to

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sell produce.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Hornsby cover letter.pdf	Proposal Covering Letter	Yes
Hornsby planning proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.2 Reserving Land for Public Purposes**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **GATEWAY DETERMINATION AND CONDITIONS**

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It is recommended that the proposal should proceed subject to the conditions shown below:

- Prior to public exhibition, the planning proposal is to be amended to remove references to consistency with Section 117 Direction 1.5 Rural Lands, as this Direction does not apply to Hornsby.
- Public exhibition for a period of 28 days.
- Finalisation of the planning proposal within 6 months of the week following the date of the Gateway determination.

Supporting Reasons :

The proposal provides for a number of low key amendments to the provisions of Hornsby Local Environmental Plan 2013 relating to the rural area. These will provides for a modest increase in housing choice and diversity in the area while having minimal environmental and social impact.

Signature:



Printed Name:

SHANE NUGENT

Date:

3/12/15