



17 September 2015

Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Rachel Cumming, Director Metropolitan Delivery (Parramatta)

Dear Ms Cummings

#### **Rural Lands Planning Proposal – Gateway Determination**

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The purpose of this letter is to seek a Gateway Determination for the Rural Lands Planning Proposal in accordance with Clause 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

At its meeting on 9 September 2015, Council considered Group Manager's Report No. PL71/15 (copy attached) presenting a Planning Proposal that seeks to introduce new development opportunities in the rural lands consistent with the findings of the Rural Lands Planning Issues Survey. Council resolved to endorse progression of the Rural Lands Planning Proposal and forward it to the Department seeking Gateway approval for its public exhibition and to concurrently exhibit draft amendments to Council's *Hornsby Development Control Plan 2013*.

The Planning Proposal seeks to provide the opportunity for:

- Secondary dwellings up to 33% of the size of the principal dwelling;
- Attached dual occupancy up to 200sqm;
- Roadside stalls up to 40sqm; and
- Split zone lots with a total area that complies with the rural zone lot size and have a component of rural zoned land equal to or greater than 20% of the lot size for that land.

In accordance with Council's resolution, please find attached a Planning Proposal setting out Council's objectives and intended outcomes, justification for the proposal and the intended community consultation to be carried out. I would be pleased if you would refer it to the LEP Review Panel for a Gateway Determination. Council is also seeking Authorisation to Exercise Delegation for this Planning Proposal.

Should you have any further enquiries concerning this matter, please contact Jason Rawlin, Principal Strategic Planner on 9847 6737 during business hours.

Yours faithfully

Fletcher Rayner  
Manager  
Strategic Planning Branch

Attachments: Rural Lands Planning Proposal  
Group Managers Report No. PL71/15  
Council Resolution

TRIM Reference: F2015/00359

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# PLANNING PROPOSAL

## RURAL LANDS



**August 2015**

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## BACKGROUND

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The rural areas of Hornsby Shire include Rural, Environmental Protection and Residential zoned lands and comprise the suburbs of Wisemans Ferry, Laughtondale, Singletons Mill, Canoelands, Maroota, Forest Glen, Fiddletown, Glenorie, Arcadia, Berrilee, Middle Dural, Galston, Dural and Glenhaven. The land use planning controls for the rural areas of Hornsby Shire have principally been informed by the former Metropolitan Strategies for Sydney and Council's previous Local Planning Studies.

The current *Metropolitan Strategy – A Plan for Growing Sydney* sets the strategic direction for the Sydney over the next 20 years. The *Strategy* identifies the rural area of Hornsby Shire as part of the "Metropolitan Rural Area" and part of an "agricultural cluster". The Metropolitan Strategy will be supported by a series of subregional strategies that are currently being prepared, including one for the North Subregion that will provide more detailed strategic direction for eleven LGAs, including Hornsby. It is anticipated that the North Subregional Strategy will be released later this year.

The Metropolitan Strategy provides the opportunity to introduce additional development opportunities in the rural areas of the Shire where consistent with the strategic frameworks relating to protection of important agricultural lands and the yet to be released *land release policy*.

Council's approach to guiding development within the rural areas of the Shire has to date been informed by previous studies such as the *Rural Lands Study 1995*, *Rural Resource Study 2006* and *Rural Lands Planning Provisions 2009*. In summary, the studies all recognised the value of agriculture in Hornsby Shire and that further fragmentation of rural land may reduce the ability of the land to support potentially productive agricultural land uses in the future.

The *Hornsby Local Environmental Plan (HLEP) 2013* and *Hornsby Development Control Plan (HDCP) 2013* are Council's principal land use and development control documents and are based on the previous rural lands planning studies. Of note, the *HLEP* establishes minimum 2 and 10 hectare lot sizes on rural zoned lands and minimum 40 hectare lot sizes on various environmental zoned lands.

Since the making of the *HLEP* and *HDCP*, Council has received numerous representations from ratepayers in the rural areas of the Shire suggesting that various planning controls should be reviewed to improve development outcomes and opportunities to allow new innovative developments whilst maintaining rural character. The following planning issues reflect these representations:

- Reducing minimum lot sizes in rural and environmental zoned land;
- Introducing an alternate methodology for calculating lot size for split zone lots;
- Introducing rural cluster subdivision as a permissible land use;

- Allowing larger secondary dwellings;
- Introducing attached dual occupancies as a permissible land use; and
- Allowing larger roadside stalls that sell local produce.

In April 2014, Council resolved to undertake a survey to identify the community's vision for the rural areas and attitudes to a number of planning controls and development opportunities. Accordingly, in June 2014, Council invited a total of 6,430 landowners in the Shire to participate in an on-line survey. Council received a total of 1,398 responses.

An analysis of the responses to the Rural Lands Planning Issues Survey was undertaken and summarised in a report. In summary, the Summary of Responses Report identified there is general support for permitting larger granny flats, introducing attached dual occupancies as a permissible land use, permitting larger roadside stalls that sell local produce and introducing rural cluster subdivision as a permissible form of development. Analysis of the responses also identified there is support for including environmental zoned land when calculating lot size but there is no clear direction for a reduction in lot size.

In November 2014, Council considered a report in relation to the Summary of Responses Report and resolved to hold a Councillor briefing to discuss the preparation of a strategy that responds to the Survey findings prior to a report being presented to Council for its consideration.

In April and June 2015, Councillor briefings were held to discuss the Survey results and options for progressing a planning response. It was agreed that a report presenting a planning proposal and *HDCP* amendments should be presented for Council's consideration.

In September 2015, Council considered a report presenting a Planning Proposal and *HDCP Amendments* that seek to introduce new development opportunities in the rural lands consistent with the findings of the Rural Lands Planning Issues Survey. The draft Plans seek to provide the opportunity for secondary dwellings up to 33% of the size of the principal dwelling, attached dual occupancy up to 200sq.m, roadside stalls up to 40sq.m and split zone lots with a component of rural zoned land equal to or greater than 20% of the lot size for that land.

Council resolved to endorse the Rural Lands Planning Proposal for forwarding to the Department of Planning and Environment (DP&E) for Gateway Determination and that draft *HDCP* amendments be exhibited concurrently with the Proposal.

## PART 1 - OBJECTIVES OR INTENDED OUTCOMES

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To provide additional development opportunities that take better advantage of the capacity of the 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. More specifically, to promote:

- Larger *secondary dwellings* and the opportunity to encourage a diversity of affordable housing opportunities;
- *Attached dual occupancies* as an alternate housing form (to that of secondary dwellings) which is not limited by a size restriction based on the size of the principal dwelling;
- Larger *roadside stalls* to sell agricultural or hand crafted goods and thus enhance economic return from the rural property; and
- Rural subdivision on environmentally constrained lots where the burden of managing the constrained land is equally shared between all property owners.

## PART 2 - EXPLANATION OF THE PROVISIONS

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Amendment of the *Hornsby Local Environmental Plan 2013 (HLEP)* by:

1. Amending the “controls relating to miscellaneous permissible uses” to permit a “secondary dwelling” up to 33% of the total floor area of the principal dwelling on the property (see Appendix B for suggested *HLEP* provisions);
2. Introducing “attached dual occupancies” as a land use that is permitted with development consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones and requiring that:
  - they are located on lots equal to or greater than the minimum lot size requirement identified in the Lot Size Map for those lands by inclusion of additional “minimum lot sizes for the erection of dual occupancies (attached) on land in certain rural zones” controls; and
  - one of the dwellings that forms an attached dual occupancy should not have a gross floor area greater than 200 square metres by inclusion of additional “maximum gross floor area of dual occupancies (attached) on land in certain in rural zones” (see Appendix B for suggested *HLEP* provisions);

3. Amending the “controls relating to miscellaneous permissible uses” to permit a “roadside stall” to have a gross floor area up to 40 square metres (see Appendix B for suggested *HLEP* provisions); and
4. Amending the “minimum lot size for certain split zone lots” controls to permit additional lots on part environmental zoned land where:
  - the total area of any lot resulting from the subdivision complies with the minimum lot size identified on the Lot Size Map for the rural zoned land component of the property; and
  - any lot resulting from the subdivision has a component of rural zoned land that is at least 20% of the minimum lot size identified on the Lot Size Map for that land (see Appendix B for suggested *HLEP* provisions).

## **PART 3 - JUSTIFICATION**

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### **Section A - Need for the planning proposal**

#### **1. *Is the planning proposal a result of any strategic study or report?***

No. However, a community survey was conducted to test community attitudes to various rural land planning issues, including the introduction of additional development opportunities in the rural areas of the Shire. The Planning Proposal has been prepared in response to the findings of the survey which identified that there is community support for the introduction of additional development opportunities by way of permitting new development forms or increasing the size and/or density of existing development forms.

The Planning Proposal has been prepared having regard to the review of various development models from other councils and the appropriateness of their application in Hornsby Shire. Furthermore, the Rural Lands Planning Proposal has been prepared having regard to the opportunities and constraints for development and recommended land management provisions identified in previous rural land planning studies, including:

- *Rural Lands Study 1995;*
- *Rural Resource Study 2006;* and
- *Rural Lands Planning Provisions Review 2009.*

#### **2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes. The Planning Proposal is the best means of achieving the intended outcome of permitting new development forms or increasing the size and/or density of existing development forms. The *HLEP* establishes the land use strategy for Hornsby Shire and specifies development standards, including minimum subdivision lot size and controls relating to miscellaneous permissible uses which can only be amended by means of progression of a planning proposal.

**3. *Is there a net community benefit?***

Yes. The *Planning Proposal* will deliver a net community benefit by providing:

- A diversity of affordable housing choices and opportunity for additional accommodation for family members or rental accommodation by allowing larger *secondary dwellings*;
- An alternate housing form (to that of a secondary dwelling) which is not limited by the principal dwelling size by introducing *attached dual occupancies* as a permissible use in various rural zoned lands;
- Opportunity for enhanced economic return from rural properties by permitting larger *roadside stalls* which sell agricultural or hand crafted goods; and
- Subdivision standards which equally value rural and environmentally constrained land whilst retaining the rural landscape character.

**Section B - Relationship to strategic planning framework**

**4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

Yes. The *Planning Proposal* is not inconsistent with the objectives of the *Metropolitan Strategy – A Plan for Growing Sydney*. The *Strategy* identifies the rural area of Hornsby Shire as part of the “Metropolitan Rural Area” and part of an “agricultural cluster”.

The following goals, directions and actions from the *Metropolitan Strategy* are of particular relevance:

- **Action 2.4.2** identifies that the Government will develop a framework for the identification of new Growth Centres that considers a range of matters, including the sustainability of Sydney's agricultural and resource sectors. The Action states that the framework will be prepared in tandem with the



preparation of a strategic framework for the Metropolitan Rural Area and it is anticipated to provide a new methodology for evaluating rural land for its suitability for urban subdivision.

The Planning Proposal will likely be consistent with any strategic framework for the Metropolitan Rural Area released as it does seek to release rural land for urban subdivision. Permitting the subdivision of split zoned land where the environmental zoned component is included in the calculation would still require compliance with the minimum 2 hectare or 10 hectare rural zone lot sizes.

- **Action 4.1.2** identifies that the Government will prepare a strategic framework for the Metropolitan Rural Area to enhance and protect its broad range of environmental, economic and social assets. The framework will assist decision making by establishing a range of criteria, including criteria to minimise the adverse economic impacts on existing primary industry and productive agriculture.

The Planning Proposal does not adversely impact on existing primary industry and productive agricultural land as it does not result in further fragmentation of rural land or reduce the ability of the land to support potentially productive agricultural land uses in the future.

Permitting larger *secondary dwellings* and *attached dual occupancies* only marginally increases development potential and in the case of attached forms, restricts development to already occupied areas of land therefore maintaining significant plots for agriculture. Permitting larger *roadside stalls* would support agricultural undertakings on rural properties. Permitting the subdivision of split zoned land where lots meet the minimum rural zone lot size and include a minimum rural zone parcel of at least 20% the minimum rural zone lot size would, in the case of the 10 hectare minimum (i.e. 2 hectare parcels), retain adequate lands for viable agricultural undertakings or, in the case of the 2 hectare minimum (i.e. 1 acre parcels), promote rural/residential development on lands that already have limited potential for agricultural undertakings.

**5. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?***

Yes. The *Planning Proposal* is consistent with the *Hornsby Shire Community Plan 2013 – 2023*. The *Community Plan* outlines that Council's Strategic Direction in looking to the future will focus on sustainability, community wellbeing and the provision of quality infrastructure, services and facilities. Of particular relevance, the *Plan* seeks to:

- Protect and enhance biodiversity by planning and managing future land use; and
- Promote a harmonious natural and built environment by monitoring and reviewing existing planning controls to ensure quality outcomes for the long term benefit of the Shire.

The Planning Proposal is consistent with Council's relevant local rural lands planning strategies, namely: the *Rural Lands Study 1995*, *Rural Resource Study 2006* and *Rural Lands Planning Provisions Review 2009*. The Planning Proposal still 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.

**6. *Is the planning proposal consistent with applicable state environmental planning policies?***

Yes. The *Planning Proposal* is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. See Appendix C for details.

**7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?***

Yes. The *Planning Proposal* is not inconsistent with applicable s117 Ministerial Directions, it being noted that the following Directions are relevant:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 7.1 Implementation of a Plan for Growing Sydney

See Appendix D for details

## **Section C - Environmental, social and economic impact**

**8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The Planning Proposal does not seek to rezone environmentally sensitive lands to permit more intense development types or amend the Terrestrial Biodiversity provisions or mapping in the *HLEP 2013*. Development applications lodged for consideration will still be considered on their merits having regards to best practice flora and

fauna conservation principles. Accordingly, it is unlikely that critical habitat or threatened species or ecological communities or their habitats will be adversely affected by the Planning Proposal.

**9. *Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?***

The new land uses, subdivision standards and the sizes and locations promoted for the land uses identified in the Planning Proposal have been chosen having regard to the identified opportunities and constraints of the rural lands.

The changes promoted by the Planning Proposal will be supplemented by proposed amendments to the *HDCP 2013*. In summary, they are to include the following new provisions:

- To ensure *secondary dwellings* do not covertly evolve into a larger dwelling, they should have a maximum of 2 car parking spaces and not be attached to farm/outbuildings;
- To limit the bulk and scale of *attached dual occupancies*, they should have a front elevation which is not greater than 50% of the property width and, where only attached by a roof, have dwelling walls that are no greater than 6 metres apart;
- To promote a *larger roadside stall* that is compatible with rural character, structures should be constructed in a form and of materials that are of a rural character; and
- To promote orderly subdivision where all lots include environmental zoned land, subdivision layout should generally provide for equal sized *split zone lots* with regular division lines.

**10. *How has the planning proposal adequately addressed any social and economic effects?***

The Planning Proposal has been prepared having regard to relevant social and economic planning issues, namely:

- Permitting larger *secondary dwellings* may provide environmental and economic benefits as it potentially enables existing dwellings to be retained as a secondary dwelling rather than knocked down or reduced in size to facilitate a new larger principal dwelling;
- Permitting larger *secondary dwellings* and *attached dual occupancies* provides more affordable housing by way of allowing larger rental accommodation more likely to meet market demands in the rural areas of the Shire;

- Permitting larger *roadside stalls* from 20 to 40 square metres doubles the space (equivalent to that of a double garage) owners have to sell agricultural or hand crafted goods and thus potentially enhances economic return from the rural property;
- Permitting environmental zoned land to be included in the area calculation for *split zone lots* provides for additional subdivision potential and the associated opportunity for housing and economic return for owners of properties with limited agricultural potential.

## **Section D - State and Commonwealth interests**

### **11. *Is there adequate public infrastructure for the planning proposal?***

In summary, the additional development potential (and therefore resident population) likely to be generated by the Planning Proposal is marginal and will be able to be accommodated by existing public infrastructure.

It is estimated that the revised method of calculating area for “split zone lots” would only result in an increase in development potential of up to 100 lots.

Permitting larger *secondary dwellings* and *attached dual occupancies* in the rural lands will not increase dwelling yields above that currently available. However, as the change would facilitate larger rental accommodation that caters for family needs and likely market demands, the change may result in increased take up rates. Further, with larger dwellings permitted, there may be an increase in occupancy rates.

### **12. *What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?***

Consultation will occur with relevant public authorities identified as part of the gateway determination.

## **PART 4 - COMMUNITY CONSULTATION**

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Council is committed to undertaking comprehensive community consultation as part of the progression of the Planning Proposal. At a minimum, consultation will include:

### ***Public Authorities***

Notification letters and a copy of the Planning Proposal will be sent to relevant public authorities.

### ***Advertisement in local newspapers***

An advertisement will be placed in local newspapers to identify the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

### ***Advertisement on the Council website***

The Planning Proposal will be exhibited on the Council website ([www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au)) under My Council – Noticeboard - On Exhibition. Council's libraries have access to the website.

### ***Letters to affected property owners and previous survey respondents***

A letter will be sent to affected property owners and previous survey respondents advising of the exhibition of the Proposal and inviting submissions.

### ***Letters to community and industry groups***

A letter will be sent to the relevant community and industry groups (including those listed below) advising of the exhibition of the Proposal and inviting submissions.

- Hornsby Rural Areas Association Inc
- Sydney Agricultural Rural and Public Lands Trust
- Galston Area Residents Association
- Galston Chamber of Commerce
- Dural and Round Corner Chamber of Commerce

### ***Displays at the Council Administration Building and local libraries***

The Planning Proposal will be displayed at the Council Administration Centre, 296 Peats Ferry Road, Hornsby and the following libraries:

Hornsby Library  
Galston Library  
Berowra Library

Pennant Hills Library

***Referrals to other Divisions/Branches***

A copy of the Planning Proposal will be forwarded to relevant Divisions/Branches of Council for comment.

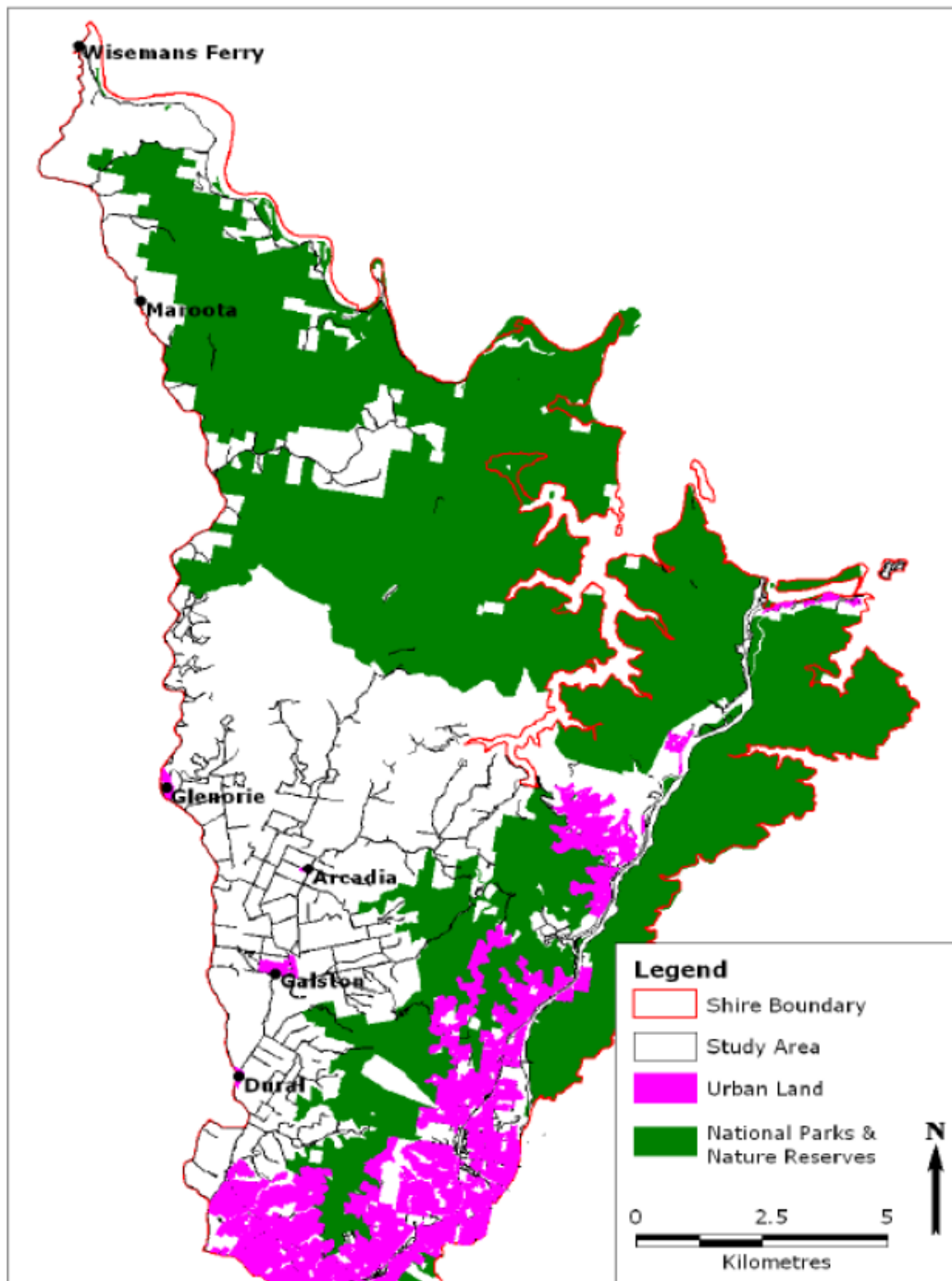
***Review of Consultation Strategy***

Where submissions warrant, the consultation strategy may be reviewed to extend the exhibition period and/or the methods of consultation. This may occur where a submission provides reasonable justification for a request for an extension to the exhibition period or where Council is of the opinion an amendment to the consultation strategy would facilitate greater feedback on the draft Plan.

Following the exhibition period, a report on submissions will be presented to Council for its consideration.

# Appendix A

## Location Map



# Appendix B

## Suggested HLEP Provisions

The suggested amendments to *HLEP* provisions or new provisions suggested for insertion in the *HLEP* are listed below under headings that correspond with new development opportunities being proposed in the Planning Proposal and are identified in red.

### Secondary Dwellings

Amend Clause 5.4 of the *HLEP* as follows:

#### 5.4 Controls relating to miscellaneous permissible uses

...

##### (9) Secondary dwellings

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

- (a) 60 square metres,
- (b) 33% of the total floor area of the principal dwelling.

### Attached Dual Occupancies

Amend the Land Use Table of the *HLEP* as follows:

#### Zone RU1 Primary Production

##### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.
- To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.

##### 2 Permitted without consent



Environmental protection works; Extensive agriculture; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; **Dual occupancies (attached)**; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems; Water storage facilities

### **4 Prohibited**

Backpackers' accommodation; Hotel or motel accommodation; Livestock processing industries; Sawmill or log processing works; Serviced apartments; Any other development not specified in item 2 or 3

## **Zone RU2 Rural Landscape**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.
- To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; **Dual occupancies (attached)**; Dwelling houses; Eco-tourist facilities; Environmental

facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Garden centres; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems; Water storage facilities

#### **4 Prohibited**

Backpackers' accommodation; Hotel or motel accommodation; Livestock processing industries; Sawmill or log processing works; Serviced apartments; Stock and sale yards; Any other development not specified in item 2 or 3

### **Zone RU4 Primary Production Small Lots**

#### **1 Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.
- To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

#### **3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; **Dual occupancies (attached)**; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Garden centres; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries;

Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems; Water storage facilities

#### **4 Prohibited**

Backpackers' accommodation; Hotel or motel accommodation; Livestock processing industries; Sawmill or log processing works; Serviced apartments; Stock and sale yards; Any other development not specified in item 2 or 3

Insert Clause 4.2B into the *HLEP* as follows:

#### **4.2B Minimum lot sizes for the erection of dual occupancies (attached) on land in certain rural zones**

- (1) The objective of this clause is to minimise unplanned rural residential development.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production.
- (3) Development consent must not be granted for the erection of a dual occupancy (attached) on land to which this clause applies unless the land is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land.

Insert Clause 6.8 into the *HLEP* as follows:

#### **6.8 Maximum gross floor area of dual occupancies (attached) on land in certain rural zones**

- (1) The objective of this clause is to limit the gross floor area of dual occupancies (attached) to ensure such rural residential development maintains rural character.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production.
- (3) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land to which this clause applies unless the gross floor area of at least one of the dwellings is not more than 200 square metres.

## **Roadside Stalls**

Amend Clause 5.4 of the *HLEP* as follows:

#### 5.4 Controls relating to miscellaneous permissible uses

...

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 40 square metres.

### Split Zone Lot Controls

Amend Clause 4.1B of the *HLEP* as follows:

#### 4.1B Minimum lot size for certain split zone lots

- (1) The objectives of this clause are as follows:
  - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clauses 4.1, 4.1AA or 4.1A,
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an **original lot**) that contains:
  - (a) land in a rural, residential, business, industrial, special purpose or recreation zone, and
  - (b) land in Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clauses 4.1, 4.1AA and 4.1A, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
  - (a) each resulting lot containing land only in Zone RU1 Primary Production, RU2, Rural Landscape or Zone RU4 Primary Production Small Lots will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (b) each resulting lot containing land only in Zone E3 Environmental Management will have an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and
  - (c) each resulting lot containing land in both Zone RU1 Primary Production, RU2, Rural Landscape or Zone RU4 Primary Production Small Lots and Zone E3 Environmental Management will have:
    - (i) at least 20% of the land in the lot in Zone RU1 Primary Production, RU2, Rural Landscape or Zone RU4 Primary Production Small Lots, and
    - (ii) an area that is not less than the minimum size shown on the Lot Size Map in relation to the land in Zone RU1 Primary Production, RU2, Rural Landscape or Zone RU4 Primary Production Small Lots.

- (4) Despite clauses 4.1, 4.1AA and 4.1A, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
- (a) each resulting lot containing land only in Zone RU5 Village, a residential, business, industrial, special purpose or recreation zone will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (b) each resulting lot containing land only in Zone E2 Environmental Conservation or Zone E3 Environmental Management will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (c) each resulting lot containing land in both Zone RU5 Village, a residential, business, industrial, special purpose or recreation zone and Zone E2 Environmental Conservation or Zone E3 Environmental Management will contain:
    - (i) land in the RU5 Rural Village, a residential, business, industrial, special purpose or recreation zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
    - (ii) all of the land in Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
  - (d) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

# Appendix C

## State Environmental Planning Policies

|                       | State/Regional Policy                                               | Compliance | Comment                                                                                                                      |
|-----------------------|---------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>State Policies</b> |                                                                     |            |                                                                                                                              |
| SEPP No. 1            | Development Standards                                               | N/A        | Clause 1.9(2) of the <i>Hornsby Local Environmental Plan 2013</i> specifies that SEPP No. 1 does not apply to Hornsby Shire. |
| SEPP No. 2            | Minimum Standards for Residential Flat Development                  | Repealed   |                                                                                                                              |
| SEPP No. 3            | Castlereagh Liquid Waste Disposal Depot                             | Repealed   |                                                                                                                              |
| SEPP No. 4            | Development Without Consent and Miscellaneous Complying Development | Repealed   |                                                                                                                              |
| SEPP No. 5            | Housing for Older People or People with a Disability                | Repealed   |                                                                                                                              |
| SEPP No. 6            | Number of Storeys in a Building                                     | Repealed   |                                                                                                                              |
| SEPP No. 7            | Port Kembla Coal Loader                                             | Repealed   |                                                                                                                              |
| SEPP No. 8            | Surplus Public Land                                                 | Repealed   |                                                                                                                              |
| SEPP No. 9            | Group Homes                                                         | Repealed   |                                                                                                                              |
| SEPP No. 10           | Retention of Low-Cost Rental Accommodation                          | Repealed   |                                                                                                                              |
| SEPP No. 11           | Traffic Generating Developments                                     | Repealed   |                                                                                                                              |
| SEPP No. 12           | Public Housing (Dwelling Houses)                                    | Repealed   |                                                                                                                              |
| SEPP No. 13           | Sydney Heliport                                                     | Repealed   |                                                                                                                              |
| SEPP No. 14           | Coastal Wetlands                                                    | N/A        |                                                                                                                              |
| SEPP No. 15           | Rural Land - Sharing Communities                                    | N/A        |                                                                                                                              |
| SEPP No. 16           | Tertiary Institutions                                               | Repealed   |                                                                                                                              |

|             |                                                    |          |
|-------------|----------------------------------------------------|----------|
| SEPP No. 17 | Design of Building in Certain Business Centres     | Not Made |
| SEPP No. 18 | Public Housing                                     | Not Made |
| SEPP No. 19 | Bushland in Urban Areas                            | N/A      |
| SEPP No. 20 | Minimum Standards for Residential Flat Development | Repealed |
| SEPP No. 21 | Caravan Parks                                      | N/A      |
| SEPP No. 22 | Shops and Commercial Premises                      | N/A      |
| SEPP No. 23 |                                                    | Not Made |
| SEPP No. 24 | State Roads                                        | Not Made |
| SEPP No. 25 | Residential Allotment Sizes                        | Repealed |
| SEPP No. 26 | Littoral Rainforests                               | N/A      |
| SEPP No. 27 | Prison Sites                                       | Repealed |
| SEPP No. 28 | Town Houses and Villa Houses                       | Repealed |
| SEPP No. 29 | Western Sydney Recreational Area                   | N/A      |
| SEPP No. 30 | Intensive Agriculture                              | N/A      |
| SEPP No. 31 | Sydney (Kingsford Smith) Airport                   | Repealed |
| SEPP No. 32 | Urban Consolidation (Redevelopment of Urban Land)  | N/A      |
| SEPP No. 33 | Hazardous and Offensive Development                | N/A      |
| SEPP No. 34 | Major Employment Generating Industrial Development | Repealed |
| SEPP No. 35 | Maintenance Dredging of Tidal Waterways            | Repealed |
| SEPP No. 36 | Manufactured Home Estates                          | N/A      |
| SEPP No. 37 | Continued Mines and Extractive Industries          | Repealed |
| SEPP No.    | Olympic Games and Related                          | Repealed |

|          |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
|----------|----------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 38       | Development Proposals      |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Spit Island Bird Habitat   | N/A        |                                                                                                                                                                                                                                                                                                                                                                             |
| 39       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Sewerage Works             | Not Made   |                                                                                                                                                                                                                                                                                                                                                                             |
| 40       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Casino/Entertainment       | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 41       | Complex                    |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Multiple Occupancy and     | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 42       | Rural Land (Repeal)        |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | New Southern Railway       | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 43       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Koala Habitat Protection   | Consistent | The Planning Proposal does not detrimentally impact on core koala habitat areas as it does not remove or modify environmental protection zones and/or controls. Any development application resultant of the development opportunities introduced by the Planning Proposal would need to be considered by Council having regard to the SEPP prior to consent being granted. |
| 44       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Permissibility of Mining   | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 45       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Protection and Management  | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 46       | of Native Vegetation       |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Moore Park Showground      | N/A        |                                                                                                                                                                                                                                                                                                                                                                             |
| 47       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Major Putrescible Landfill | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 48       | Sites                      |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Tourism Accommodation in   | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 49       | Private Homes              |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Canal Estate Development   | N/A        |                                                                                                                                                                                                                                                                                                                                                                             |
| 50       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Eastern Distributor        | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 51       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Farm Dams and Other        |            |                                                                                                                                                                                                                                                                                                                                                                             |
| 52       | Works in Land and Water    | N/A        |                                                                                                                                                                                                                                                                                                                                                                             |
|          | Management Plan Areas      |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Metropolitan Residential   | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 53       | Development                |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Northside Storage Tunnel   | Repealed   |                                                                                                                                                                                                                                                                                                                                                                             |
| 54       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. | Remediation of Land        | Consistent | The Planning Proposal would not effect a change in the use of the                                                                                                                                                                                                                                                                                                           |
| 55       |                            |            |                                                                                                                                                                                                                                                                                                                                                                             |



land. The majority of development opportunities proposed involve a change to the size of existing uses or subdivision. The introduction of “attached dual occupancies” as a permissible use would not result in a change in the use of the land. Other forms of “residential accommodation” are already permitted with consent.

|             |                                                                       |            |                                                                                                                                             |
|-------------|-----------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP No. 56 | Sydney Harbour Foreshores and Tributaries                             | Repealed   |                                                                                                                                             |
| SEPP No. 57 | Not Made                                                              | N/A        |                                                                                                                                             |
| SEPP No. 58 | Protecting Sydney's Water Supply                                      | Repealed   |                                                                                                                                             |
| SEPP No. 59 | Central Western Sydney Regional Open Space and Residential            | N/A        |                                                                                                                                             |
| SEPP No. 60 | Exempt and Complying Development                                      | Repealed   |                                                                                                                                             |
| SEPP No. 61 | Exempt and Complying Development for White Bay and Glebe Island Ports | Repealed   |                                                                                                                                             |
| SEPP No. 62 | Sustainable Aquaculture                                               | Consistent | The Planning Proposal would not effect a change in land zonings and therefore the permissibility of aquaculture throughout the rural lands. |
| SEPP No. 63 | Major Transport Projects                                              | Repealed   |                                                                                                                                             |
| SEPP No. 64 | Advertising and Signage                                               | N/A        |                                                                                                                                             |
| SEPP No. 65 | Design Quality of Residential Flat Development                        | N/A        |                                                                                                                                             |
| SEPP No. 66 | Integration of Land Use and Transport                                 | Repealed   |                                                                                                                                             |
| SEPP No. 67 | Macquarie Generation Industrial Development                           | Repealed   |                                                                                                                                             |
| SEPP No. 69 | Major Electricity Supply Projects                                     | Repealed   |                                                                                                                                             |
| SEPP No. 70 | Affordable Housing (Revised Schemes)                                  | N/A        |                                                                                                                                             |
| SEPP No. 71 | Coastal Protection                                                    | N/A        |                                                                                                                                             |
| SEPP No.    | Linear Telecommunications                                             | Repealed   |                                                                                                                                             |

|             |                                                        |            |                                                                                                                                                                                      |
|-------------|--------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 72          | Development – Broadband                                |            |                                                                                                                                                                                      |
| SEPP No. 73 | Kosciusko Ski Resorts                                  | N/A        |                                                                                                                                                                                      |
| SEPP No. 74 | Newcastle Port and Employment Lands                    | N/A        |                                                                                                                                                                                      |
| SEPP 2004   | Seniors Living                                         | Repealed   |                                                                                                                                                                                      |
| SEPP 2004   | Housing for Seniors or People with a Disability        | N/A        |                                                                                                                                                                                      |
| SEPP 2004   | Building Sustainability Index: BASIX                   | N/A        |                                                                                                                                                                                      |
| SEPP 2004   | ARTC Rail Infrastructure                               | Repealed   |                                                                                                                                                                                      |
| SEPP 2004   | Sydney Metropolitan Water Supply                       | Repealed   |                                                                                                                                                                                      |
| SEPP 2005   | Development on Kurnell Peninsula                       | N/A        |                                                                                                                                                                                      |
| SEPP 2005   | Major Development                                      | N/A        |                                                                                                                                                                                      |
| SEPP 2005   | State Significant Development                          | Repealed   |                                                                                                                                                                                      |
| SEPP 2006   | Sydney Region Growth Centres                           | N/A        |                                                                                                                                                                                      |
| SEPP 2007   | Mining, Petroleum Production and Extractive Industries | Consistent | The Planning Proposal would not effect a change in land zonings and therefore the permissibility of open cut mining and/or extractive industries throughout the rural lands.         |
| SEPP 2007   | Temporary Structure and Places of Public Entertainment | Repealed   |                                                                                                                                                                                      |
| SEPP 2007   | Infrastructure                                         | Consistent | The Planning Proposal would not effect a change in land zonings and therefore the permissibility of any development permitted by the Infrastructure SEPP throughout the rural lands. |
| SEPP 2007   | Kosciuszko National Park - Alpine Resorts              | N/A        |                                                                                                                                                                                      |
| SEPP 2008   | Rural Lands                                            | N/A        |                                                                                                                                                                                      |
| SEPP 2008   | Exempt and Complying Development Codes                 | Consistent | The Planning Proposal would not effect a change in land zonings and therefore the permissibility of any development permitted by the                                                 |

Exempt and Complying  
Development Codes SEPP  
throughout the rural lands.

|                                                  |                                                  |            |
|--------------------------------------------------|--------------------------------------------------|------------|
| SEPP<br>2009                                     | Western Sydney Parklands                         | N/A        |
| SEPP<br>2009                                     | Affordable Rental Housing                        | N/A        |
| SEPP<br>2009                                     | Western Sydney<br>Employment Area                | N/A        |
| SEPP                                             | Sewerage Works                                   | Repealed   |
| SEPP                                             | Subdivision                                      | Repealed   |
| SEPP<br>2004                                     | Application of Development<br>Standards          | Repealed   |
| <b>Regional<br/>Plans<br/>(deemed<br/>SEPPs)</b> |                                                  |            |
| SREP No.<br>1                                    | Dual Occupancy                                   | Repealed   |
| SREP No.<br>2                                    | Dual Occupancy                                   | Repealed   |
| SREP No.<br>3                                    | Kurnell Peninsula                                | Repealed   |
| SREP No.<br>4                                    | Homebush Bay                                     | Repealed   |
| SREP No.<br>5                                    | Chatswood Town Centre                            | Repealed   |
| SREP No.<br>6                                    | Gosford Coastal Areas                            | Repealed   |
| SREP No.<br>7                                    | Multi-Unit Housing - Surplus<br>Government Sites | Repealed   |
| SREP No.<br>8                                    | Central Coast Plateau Areas                      | N/A        |
| SREP No.<br>9                                    | Extractive Industry (No. 2)                      | Consistent |

The Planning Proposal would not effect a change in the permissibility of "extractive industries" or matters for consideration for extractive industry development proposals throughout the Maroota Sandstone Resource Area. The Planning Proposal would not effect a change in the minimum 10ha lot sizes of rural zoned lands in the Maroota Sandstone Resource Area. Split zoned lots, including part Rural and part E3 Environmental

Management zoned lands in the Maroota Sandstone Resource Area will still need to achieve a minimum total 10ha lot size. Accordingly, consistent with the SREP, the Planning Proposal would not change subdivision controls to necessitate a residential building to be constructed within 50 metres of a road providing access to a quarry. Any subdivision proposal would be considered on its merits at the development application stage.

|             |                                        |            |                                                                                                                                                            |
|-------------|----------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SREP No. 10 | Blue Mountains Regional Open Space     | Repealed   |                                                                                                                                                            |
| SREP No. 11 | Penrith Lakes Scheme                   | N/A        |                                                                                                                                                            |
| SREP No. 12 | Dual Occupancy                         | Repealed   |                                                                                                                                                            |
| SREP No. 13 | Mulgoa Valley                          | Repealed   |                                                                                                                                                            |
| SREP No. 14 | Eastern Beaches                        | Repealed   |                                                                                                                                                            |
| SREP No. 15 | Terrey Hills                           | Repealed   |                                                                                                                                                            |
| SREP No. 16 | Walsh Bay                              | N/A        |                                                                                                                                                            |
| SREP No. 17 | Kurnell Peninsula                      | Repealed   |                                                                                                                                                            |
| SREP No. 18 | Public Transport Corridor              | N/A        |                                                                                                                                                            |
| SREP No. 19 | Rouse Hill Development Area            | N/A        |                                                                                                                                                            |
| SREP No. 20 | Hawkesbury Nepean River (No. 2 - 1997) | Consistent | The Planning Proposal has been prepared having regard to the general planning considerations and the planning policies/strategies in the SREP relating to: |

- Total catchment management;
- Environmentally sensitive areas;
- Water quality;
- Water quantity;

- Cultural heritage;
- Flora and fauna;
- Riverine scenic quality;
- Agriculture/aquaculture and fishing;
- Rural residential development;
- Urban development;
- Recreation and tourism; and
- Metropolitan strategy.

|             |                                 |          |
|-------------|---------------------------------|----------|
| SREP No. 21 | Warringah Urban Release Area    | Repealed |
| SREP No. 22 | Parramatta River                | Repealed |
| SREP No. 23 | Sydney and Middle Harbours      | Repealed |
| SREP No. 24 | Homebush Bay Area               | N/A      |
| SREP No. 25 | Orchard Hills                   | Repealed |
| SREP No. 26 | City West                       | N/A      |
| SREP No. 27 | Wollondilly Regional Open Space | Repealed |
| SREP No. 28 | Parramatta                      | Repealed |
| SREP No. 29 | Rhodes Peninsula                | Repealed |
| SREP No. 30 | St Marys                        | N/A      |
| SREP No. 31 | Regional Parklands              | Repealed |
| SREP No. 33 | Cooks Cove                      | N/A      |
| SREP 2005   | Sydney Harbour Catchment        | N/A      |

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# Appendix D

## Local Planning Directions

| Ministerial Directions (s117)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S117 Direction Title & Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>1. Employment and Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>1.1 Business and Industrial Zones</b><br><br><p>This Direction seeks to encourage employment growth in suitable locations, protect employment lands and support the viability of identified strategic centres. The Direction specifies the following matters.</p> <p>A planning proposal shall retain the areas and locations of existing business and industrial zones.</p> <p>A planning proposal shall not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>A planning proposal shall not reduce the total potential floor space area for industrial uses in industrial zones.</p> <p>A planning proposal shall ensure that proposed new employment areas are in accordance with an approved strategy.</p> | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>1.2 Rural Zones</b><br><br><p>The Direction seeks to protect the agricultural production value of rural land. The Direction specifies the following matters.</p> <p>A planning proposal shall not rezone rural land to a residential, business, industrial, village or tourist zone.</p> <p>A planning proposal shall not contain provisions which will increase the permissible density of rural zoned land.</p>                                                                                                                                                                                                                                                                                                                                                                  | Yes        | <p>The Planning Proposal does not adversely impact on existing primary industry and productive agricultural land as it does not result in further fragmentation of rural land or reduce the ability of the land to support potentially productive agricultural land uses in the future.</p> <p>Permitting larger secondary dwellings and attached dual occupancies only marginally increases development potential and in the case of attached housing forms, restricts development to already occupied areas of land therefore maintaining significant plots for agriculture. Permitting larger roadside stalls would support agricultural undertakings on rural properties. Permitting the subdivision of split zoned land where lots meet the minimum rural zone lot size and include a minimum rural</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |            | <p>zone parcel of at least 20% the minimum rural zone lot size would, in the case of the 10 hectare minimum (i.e. 2 hectare parcels), retain adequate lands for viable agricultural undertakings and in the case of the 2 hectare minimum (i.e. 1 acre parcels), promote rural/residential development on lands that already have limited potential for agricultural undertakings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>1.3 Mining, Petroleum Production and Extractive Industries</b></p> <p>The Direction seeks to ensure that the future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. The Direction specifies the following matters.</p> <p>Council shall consult the Director-General of the Department of Primary Industries (DPI) to identify any resources of coal, petroleum and extractive materials of State or regional significance and existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal.</p> <p>Council shall seek advice from the Director-General of the DPI on the development potential of the identified resources.</p> <p>Council shall consider any likely land use conflict between other land uses and the development of identified resources and existing mines, petroleum production operations or extractive industries.</p> <p>Where a planning proposal prohibits or restricts development of identified resources or may create land use conflicts with existing mines, petroleum production operations or extractive industries, Council shall consult with the Director-General of the DPI concerning the planning proposal and provide a copy of any comments received to the Director-General of the</p> | Consistent | <p>The Planning Proposal would not change the permissibility of “open cut mining” and “extractive industries” over lands marked as an “identified resource”, “potential resource” or “transition area” in the Department of Primary Industry's <i>Mineral Resource Audit 2011</i>. The Planning Proposal does not seek to introduce any land use that would compromise existing and potential future “extractive industries” throughout the Maroota Sandstone Resource Area.</p> <p>Consultation would be undertaken with the Director-General of the DPI as part of the Planning Proposal to confirm that the <i>Mineral Resource Audit 2011</i> is the most up to date mapping of mineral resources in the area subject to the Planning Proposal. Advice will also be sought on the estimated remaining potential of the identified resources throughout the Maroota Sandstone Resource Area.</p> <p>The Planning Proposal would not result in the further fragmentation of rural zoned land over which “open cut mining” and “extractive industries” are permissible. The minimum lot sizes of rural zoned lands are to be retained. Further, the proposed changes to split zoned lot controls to include E3 Environmental Management zoned lands in the calculation will not reduce the underlying minimum lot size of rural zoned lands. Accordingly, the Planning Proposal would not result in the further fragmentation of resource lands and therefore restrict the development of identified resources or create land use conflicts with existing mines and extractive industries.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department of Planning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>1.4 Oyster Aquaculture</b><br><br><p>The Direction seeks to ensure that oyster aquaculture is adequately considered when preparing a planning proposal, including considering the adverse impacts that land uses may have on water quality and consequently, on the health of oysters and oyster consumers. The Direction specifies the following matters.</p> <p>Council shall identify any Priority Oyster Aquaculture Areas (POAA) and oyster aquaculture leases outside such an area to which the planning proposal would apply.</p> <p>Council shall identify any proposed land uses which could adversely impact on a POAA and oyster aquaculture leases outside such an area.</p> <p>Council shall consider any likely incompatibilities between oyster aquaculture and other land uses and evaluate ameliorative measures.</p> <p>Council shall ensure the planning proposal is consistent with the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>.</p> <p>Where a planning proposal could result in adverse impacts on a POAA and oyster aquaculture leases outside such an area, Council shall consult the Director-General of the Department of Primary Industries (DPI) concerning the planning proposal and provide a copy of any comments received to the Director-General of the Department of Planning.</p> | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>1.5 Rural Lands</b><br><br><p>The Direction seeks to protect the agricultural production value of rural land and facilitate the development of rural lands for rural and related purposes. The Direction specifies the following matters.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Consistent | <p>The Planning Proposal is consistent with the planning principles in <i>State Environmental Planning Policy (Rural Lands) 2008</i>, namely:</p> <p>“(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</p> <p>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends,</p> |



|                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A planning proposal that affects land within an existing or proposed rural or environmental protection zone or changes the minimum lot size on land within a rural or environmental protection zone must be consistent with the relevant planning principles in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> |  | <p><i>demands and issues in agriculture in the area, region or State,</i></p> <ul style="list-style-type: none"> <li>(c) <i>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,</i></li> <li>(d) <i>in planning for rural lands, to balance the social, economic and environmental interests of the community,</i></li> <li>(e) <i>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,</i></li> <li>(f) <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i></li> <li>(g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, and</i></li> <li>(h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General."</i></li> </ul> <p>In summary, the Planning Proposal does not adversely impact on existing primary industry and productive agricultural land as it does not result in further fragmentation of rural land or reduce the ability of the land to support potentially productive agricultural land uses in the future.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 2. Environment and Heritage

### 2.1 Environmental Protection Zones

The Direction seeks to protect and conserve environmentally sensitive areas. The Direction specifies the following matters.

A planning proposal shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.

A planning proposal that applies to environmental protection zoned land or land identified for environmental protection purposes shall not reduce the protection standards that apply to the land.

Consistent

E3 Environmental Management zoned land is applied to environmentally sensitive areas throughout the Shire, including steep lands and floodplains in the rural areas of the Shire. The E3 zone also usually covers core bushland areas.

The Planning Proposal does not seek to modify the extent of or land use strategy for E3 Environmental Management zoned land. The Planning Proposal does however seek to modify the minimum subdivision standards as they relate to the subdivision of part Rural and part Environmental Management zoned land. The subdivision of split zoned land is proposed to be permitted where lots meet the minimum rural zone lot size and include a minimum rural zone parcel of at least 20% the minimum rural zone lot size applicable to the land.

The Planning Proposal also seeks to modify the split zoned land subdivision provisions to

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     | promote orderly subdivision/regular division lines. This is so that all lots include environmental zoned land and all property owners share the burden of managing the constrained land.                                          |
| <b>2.2 Coastal Protection</b><br><br>The Direction seeks to implement the NSW Coastal Policy. The Direction specifies the following matters.<br><br>A planning proposal shall be consistent with the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i> , the <i>Coastal Design Guidelines 2003</i> and the <i>NSW Coastline Management Manual 1990</i> .                                                                                                                                                                                                                                        | N/A |                                                                                                                                                                                                                                   |
| <b>2.3 Heritage Conservation</b><br><br>The Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Direction specifies the following matters.<br><br>A planning proposal shall contain provisions to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance.<br><br>A planning proposal shall contain provisions that facilitate the conservation of areas, places, landscapes and objects identified of being of Aboriginal heritage significance. | Yes | There are a large number of heritage items within the rural areas of the Shire.<br><br>The Planning Proposal does not seek to revise the Heritage Conservation provisions or include, remove or amend heritage items in the HLEP. |
| <b>2.4 Recreation Vehicle Areas</b><br><br>The Direction seeks to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. The Direction specifies the following matters.<br><br>Planning proposals shall not enable land to be developed for a recreational vehicle area where the land is in an environmental protection zone, is a beach or dune, or in other areas unless the council has                                                                                                                                                                          | N/A |                                                                                                                                                                                                                                   |

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| taken into consideration relevant guidelines listed in the Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                                                                                                                                                                    |
| <b>3. Housing Infrastructure and Urban Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |                                                                                                                                                                    |
| <b>3.1 Residential Zones</b><br><br><p>The Direction seeks to encourage housing choice to provide for existing and future needs, make efficient use of existing and provide appropriate access to infrastructure and services, and minimise the impact on the environment and resource lands. The Direction specifies the following matters.</p> <p>A planning proposal shall include housing provisions that broaden the choice of building types and housing locations, make more efficient use of existing infrastructure and services, reduce urban sprawl and be of good design.</p> <p>A planning proposal shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage. Planning proposals shall not contain provisions which reduce the permissible density on residential zoned lands.</p> | N/A        |                                                                                                                                                                    |
| <b>3.2 Caravan Parks and Manufactured Home Estates</b><br><br><p>The Direction seeks to provide for a variety of housing types, including opportunities for caravans and manufactured home estates. The Direction specifies the following matters.</p> <p>Planning proposals shall retain zones and provisions over land that would permit caravan parks and facilitate retention of existing caravan parks.</p> <p>When preparing planning proposals, Council shall consider the categories of land and principles in <i>SEPP No. 36 Manufactured Home Estates</i> to determine suitable zones, locations and provisions for manufactured home estates.</p>                                                                                                                                                                                                               | Consistent | The Planning Proposal does not seek to remove the additional permitted use of “caravan parks” over land in Wisemans Ferry as prescribed in Schedule 1 of the HLEP. |
| <b>3.3 Home Occupations</b><br><br><p>The Direction seeks to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A        | The Direction applies to all councils that do not have a principal Local Environmental Plan or a draft LEP, prepared pursuant to the standard                      |

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| <p>encourage the carrying out of low-impact small businesses in dwelling houses. The Direction specifies the following matters.</p> <p>Planning proposals shall permit home occupations to be carried out in dwelling houses without the need for development consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     | instrument under section 33A of the EP&A Act 1979. |
| <p><b>3.4 Integrating Land Use and Transport</b></p> <p>The Direction seeks to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the identified best practice transport planning principles, including to reduce travel demand, the number of trips generated by development and the distances travelled. The Direction specifies the following matters.</p> <p>A planning proposal shall locate zones for urban purposes in areas in accordance with the identified guidelines and policies.</p>                                                                                                                                                                                                                                                                                     | N/A |                                                    |
| <p><b>3.5 Development Near Licensed Aerodromes</b></p> <p>The Direction seeks to ensure the effective and safe operation of aerodromes, including that nearby development does not constitute a hazard, and where used for residential purposes incorporates appropriate noise mitigation measures. The Direction specifies the following matters.</p> <p>For a planning proposal affecting land in the vicinity of a licensed aerodrome, the Council shall consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome.</p> <p>A planning proposal shall take into consideration the Obstacle Limitation Surface (OLS) and for land affected by the OLS, permit development compatible with the operation of an aerodrome and prepare appropriate development standards.</p> <p>A planning proposal shall not</p> | N/A |                                                    |

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| rezone land for certain purposes listed in the direction, including residential purposes, where the Australian Noise Exposure Forecast (ANEF) exceeds the levels specified in the direction. Planning proposals which rezone lands for such purposes shall include a provision to ensure the development meets Australian Standards for interior noise levels.                                                                                                                                                                                                                                                                                                                                                                                                      |            |                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>3.6 Shooting Ranges</b><br><br>The Direction seeks to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issues that must be addressed when rezoning land adjacent to an existing shooting range. The Direction specifies the following matters.<br><br>A planning proposal shall not rezone land adjacent to or adjoining a shooting range to permit more intensive land uses than those which are permitted under the existing zone, or that are incompatible with the noise emitted by the existing shooting range.                                                                                                                                                                                              | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>4. Hazard and Risk</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>4.1 Acid Sulfate Soils</b><br><br>The Direction seeks to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. The Direction specifies the following matters.<br><br>Council shall consider the <i>Acid Sulfate Soils Planning Guidelines</i> adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulphate soils being present.<br><br>Planning proposals that regulate works in acid sulfate soils shall be consistent with the Acid Sulfate Soils Model LEP or such other provisions provided by the Director-General of the | Consistent | Lands identified as having a probability of containing Acid Sulfate Soils are located in a number of locations within the rural areas of the Shire in or adjacent the Hawkesbury River, Berowra Creek and their tributaries. These lands are zoned either an Environmental or Recreation zone under the HLEP.<br><br>The Planning Proposal does not seek to modify the extent or land use strategy for these zones. |

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| <p>Department of Planning.</p> <p>Council shall not prepare a planning proposal that intensifies land uses on land having a probability of containing acid sulfate soils unless an acid sulfate soils study has been undertaken and considered.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>4.2 Mine Subsidence and Unstable Land</b></p> <p>The Direction seeks to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. The Direction specifies the following matters.</p> <p>Where the land is subject to mine subsidence, council shall consult the Mine Subsidence Board to ascertain if the Board has any objection to the draft Plan and the appropriateness of the development for the potential level of subsidence.</p> <p>A planning proposal shall only permit development on land within a mine subsidence district of a scale, density and type that is approved by Mine Subsidence Board.</p> <p>A planning proposal shall not permit development on unstable land.</p> | N/A        | <p>The Direction applies to all councils that contain a mine subsidence district proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961 or that contain unstable land.</p> <p>Clarification was sought from the Department of Planning in late 2005 as to the meaning of 'unstable land'. A formal response has not been received. However, a Department representative advised by email 29 November 2005 that unstable land is land that is subject to land slip because of slope and soil/ geological conditions.</p> |
| <p><b>4.3 Flood Prone Land</b></p> <p>The Direction seeks to ensure that development of flood prone land is consistent with relevant policy and guidelines and that the provisions of a LEP on flood prone land are commensurate with the hazard. The Direction specifies the following matters.</p> <p>A planning proposal shall include provisions that give effect to the <i>NSW Flood Prone Land Policy</i> and are consistent with the <i>Floodplain Development Manual 2005</i>. A planning proposal shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special</p>                                                | Consistent | <p>Lands in the rural area of the Shire identified as being in the "Flood Planning Area" in the Flood Planning Map of the <i>HLEP</i> are located in the suburbs of Wiseman's Ferry, Laughtondale, Singleton's Mill and Canoelands. These lands are zoned either an Environmental or Recreation zone under the <i>HLEP</i>.</p> <p>The Planning Proposal does not seek to rezone or modify the extent of or land use strategy for these zones.</p>                                                                                              |

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| <p>Purpose Zone.</p> <p>A planning proposal shall not permit development in floodway areas, permit development that will significantly impact on other properties, permit a significant increase in development, result in a substantial increase in the need for government spending on flood mitigation or permit development (other than agriculture, roads or exempt development) without the need for consent.</p> <p>A planning proposal shall not impose flood related development controls above the flood planning level for residential development.</p> <p>In preparing a planning proposal, Council shall not determine a flood planning level that is inconsistent with the <i>Floodplain Development Manual 2005</i>.</p>                                                                                                                                                                                         |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>4.4 Planning for Bushfire Protection</b></p> <p>The Direction seeks to protect life, property and the environment from bush fire hazards by discouraging incompatible land uses in, and encouraging sound management of, bushfire prone areas. The Direction specifies the following matters.</p> <p>Council shall consult with the Commissioner of the NSW Rural Fire Service in the preparation of any planning proposal following receipt of a gateway determination and prior to undertaking community consultation and take into account any comments made.</p> <p>A planning proposal shall have regard to <i>Planning for Bushfire Protection 2006</i>, avoid permitting inappropriate development in hazardous areas and ensure that hazard reduction is not prohibited in the asset protection zone (APZ).</p> <p>A planning proposal shall, where development is proposed, comply with specified provisions</p> | <p>Yes</p> | <p>A significant proportion of land within the rural areas of the Shire is classified as "Bush Fire Prone Land".</p> <p>The Planning Proposal does not seek to introduce any new land use forms not already permitted, it being noted that "attached dual occupancies" are not dissimilar to "secondary dwellings" which are already permitted on rural zoned land.</p> <p>The Planning Proposal does however seek modify the way minimum lot size is calculated on split zone lots to realise the full development potential for rural/residential subdivision on environmentally constrained lots. The capacity of land to support subdivision and associated development would still be considered at the development application stage and include consideration of bushfire risk management issues.</p> <p>In accordance with this Direction, the Commissioner of the Rural Fire Service will be consulted following receipt of gateway determination and prior to community consultation.</p> |

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| (including incorporating an APZ with inner and outer protection areas) to minimise bushfire hazard risk, as appropriate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |  |
| <b>5. Regional Planning</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |  |
| <b>5.1 Implementation of Regional Strategies</b><br><br>The Direction seeks to promote the vision, land use strategy, policies, outcomes and actions contained in regional strategies. The Direction specifies the following matters.<br><br>A planning proposal shall be consistent with a regional strategy released by the Minister for Planning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A |  |
| <b>5.2 Sydney Drinking Water Catchments</b><br><br>The Direction seeks to protect water quality in the Sydney drinking water catchment. The Direction specifies the following matters.<br><br>A planning proposal shall be prepared in accordance with the general principle that water quality within the Sydney hydrological catchment must be protected and in accordance with specified principles.<br><br>When preparing a planning proposal that applies to land within the Sydney hydrological catchment, Council, shall ensure the proposal is consistent with <i>SEPP (Sydney Drinking Water Catchment) 2011</i> , any strategic land and water capability assessment is considered, lands owned or controlled by the Sydney Catchment Authority (SCA) are zoned in accordance with specified zones and the SCA are consulted. | N/A |  |
| <b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b><br><br>The Direction seeks to ensure the best agricultural land will be available for food production and reduce land use conflicts arising                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A |  |



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| <p>from non-agricultural use of farmland. The Direction specifies the following matters.</p> <p>A planning proposal shall not rezone land identified as “State Significant Farmland”, “Regionally Significant Farmland” or “significant non-contiguous farmland” for urban or rural residential purposes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |  |
| <p><b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b></p> <p>The Direction seeks to manage commercial and retail development along the Pacific Highway by employing specified employment land planning principles. The Direction specifies the following matters.</p> <p>A planning proposal that applies to land “within town” shall provide that new commercial or retail development shall be concentrated within distinct centres rather than spread along the Pacific Highway.</p> <p>A planning proposal that applies to land “out of town” shall provide that new commercial or retail development shall not be established near the Pacific Highway. Development with frontage to the Pacific Highway shall consider the impact the development has on the safety and efficiency of the Highway.</p> <p>A planning proposal shall limit the establishment of highway service centres to those locations specified in the Direction.</p> | N/A     |  |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Revoked |  |
| 5.6 Sydney to Canberra Corridor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Revoked |  |
| 5.7 Central Coast                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Revoked |  |
| <p><b>5.8 Sydney Second Airport: Badgerys Creek</b></p> <p>The Direction seeks to avoid incompatible development in the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N/A     |  |

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| <p>vicinity of any future second Sydney Airport at Badgerys Creek. The Direction specifies the following matters.</p> <p>Planning proposals shall not contain provisions that enable development which could hinder the potential for development of a Second Sydney Airport.</p>                                                                                                                                                                                                                                                                                                                                            |            |                                                                                                         |
| <p><b>5.9 North West Rail Link Corridor Strategy</b></p> <p>The Direction seeks to promote transit oriented development and manage growth around the NWRL stations consistent with the Corridor Strategy and Precinct Structure Plans. The Direction specifies the following matters.</p> <p>Planning proposals shall be consistent with the NWRL Corridor Strategy, including the growth projections and proposed future character for the NWRL precincts.</p>                                                                                                                                                              | N/A        |                                                                                                         |
| <b>6. Local Plan Making</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |                                                                                                         |
| <p><b>6.1 Approval and Referral Requirements</b></p> <p>The Direction seeks to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The Direction specifies the following matters.</p> <p>A planning proposal shall minimise provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>A planning proposal shall not include concurrence, consultation or referral provisions, or identify development as designated development unless Council can satisfy the Director-General that such is warranted.</p> | N/A        |                                                                                                         |
| <p><b>6.2 Reserving Land for Public Purposes</b></p> <p>The Direction seeks to facilitate the provision of public services and facilities by reserving land for public purposes and removing reservations where</p>                                                                                                                                                                                                                                                                                                                                                                                                          | Consistent | The Planning Proposal does not seek to include, alter or remove public purpose reservations or zonings. |

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| <p>land is no longer required for public purposes. The Direction specifies the following matters.</p> <p>A planning proposal shall not create, alter or reduce existing reservations or zonings of land for public open space without the approval of the relevant public authority and the Director General.</p> <p>When a Minister or public authority requests a Council to reserve land for a public purpose, include provisions relating to the use of land reserved for a public purpose, rezone and/or remove a reservation, the council shall accede to the request.</p>                                                                                                                                                                                                                                                                              |     |                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>6.3 Site Specific Provisions</b></p> <p>The Direction seeks to discourage unnecessarily restrictive site specific planning controls. The Direction specifies the following matters.</p> <p>A planning proposal that amends another LEP to allow a particular development to be carried out shall either:</p> <ul style="list-style-type: none"> <li>* allow that land use to be carried out in the zone; or</li> <li>* rezone the site to an existing zone without imposing any additional development standards or requirements applying to that zone; or</li> <li>* allow that land use on the land without imposing any development standards in addition to those already contained in the principal LEP being amended.</li> </ul> <p>A planning proposal shall not contain or refer to drawings that show details of the development proposal.</p> | N/A |                                                                                                                                                                                                                                                                                                                                                   |
| <b>7. Metropolitan Planning</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>7.1 Implementation of a Plan for Growing Sydney</b></p> <p>The Direction seeks to give legal effect to the planning principles, directions, priorities for subregions, strategic centres and transport gateways contains in A Plan for Growing Sydney. The Direction specifies the following matters.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes | <p>The Planning Proposal is consistent with the Plan for Growing Sydney.</p> <p>The <i>Strategy</i> identifies the rural area of Hornsby Shire as part of the "Metropolitan Rural Area" and part of an "agricultural cluster". The following goals, directions and actions from the <i>Metropolitan Strategy</i> are of particular relevance:</p> |

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| <p>A planning proposal shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014.</p> |  | <ul style="list-style-type: none"> <li>• <b>Action 2.4.2</b> identifies that the Government will develop a framework for the identification of new Growth Centres that considers a range of matters, including the sustainability of Sydney's agricultural and resource sectors. The Action states that the framework will be prepared in tandem with the preparation of a strategic framework for the Metropolitan Rural Area and it is anticipated to provide a new methodology for evaluating rural land for its suitability for urban subdivision.</li> </ul> <p>The Planning Proposal will likely be consistent with any strategic framework for the Metropolitan Rural Area released as it does seek to release rural land for urban subdivision. Permitting the subdivision of split zoned land where the environmental zoned component is included in the calculation would still require compliance with the minimum 2 hectare or 10 hectare rural zone lot sizes.</p> <ul style="list-style-type: none"> <li>• <b>Action 4.1.2</b> identifies that the Government will prepare a strategic framework for the Metropolitan Rural Area to enhance and protect its broad range of environmental, economic and social assets. The framework will assist decision making by establishing a range of criteria, including criteria to minimise the adverse economic impacts on existing primary industry and productive agriculture.</li> </ul> <p>The Planning Proposal does not adversely impact on existing primary industry and productive agricultural land as it does not result in further fragmentation of rural land or reduce the ability of the land to support potentially productive agricultural land uses in the future.</p> <p>Permitting larger secondary dwellings and attached dual occupancies only marginally increases development potential and in the case of attached housing forms, restricts development to already occupied areas of land therefore maintaining significant plots for agriculture. Permitting larger roadside stalls would support agricultural undertakings on rural properties. Permitting the subdivision of split zoned land where lots meet the minimum rural zone lot size and include a minimum rural zone parcel of at least 20% the minimum rural zone lot size would, in the case of the 10</p> |
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|  |  | <p>hectare minimum (i.e. 2 hectare parcels), retain adequate lands for viable agricultural undertakings or, in the case of the 2 hectare minimum (i.e. 1 acre parcels), promote rural/residential development on lands that already have limited potential for agricultural undertakings.</p> |
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## 19 RURAL LANDS PLANNING STRATEGY

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### EXECUTIVE SUMMARY

- In November 2014, Council considered a report on the Rural Lands Planning Issues Survey and resolved to hold a Councillor briefing to discuss the preparation of a strategy that responds to the Survey findings.
- In April and June 2015, Councillors were briefed and it was agreed that a Planning Proposal and *Hornsby Development Control Plan 2013 (HDCP)* amendments which propose new development opportunities in the rural lands be presented for Council's consideration.
- The draft Plans seek to provide the opportunity for secondary dwellings up to 33% of the size of the principal dwelling, attached dual occupancy up to 200m<sup>2</sup>, roadside stalls up to 40m<sup>2</sup>, and split zone lots with a component of rural zoned land equal to or greater than 20% of the lot size for that land.
- It is recommended that Council endorse the Rural Lands Planning Proposal for forwarding to the Department of Planning and Environment (DP&E) for Gateway Determination and that draft *HDCP* amendments be exhibited concurrently with the Proposal.

### RECOMMENDATION

#### THAT:

1. Council endorse progression of the Rural Lands Planning Proposal attached to Executive Manager's Report No. PL71/15 and forward the Proposal to the Department of Planning and Environment seeking a Gateway Determination.
2. Council defer consideration of whether to progress investigation of any further options for review of allotment sizes until the release of the North Subregional Strategy which may identify key directions for development, including a rural resource lands strategy and housing targets.
3. In accordance with delegated plan making powers, Council exercise Authorisation to prepare and make the Planning Proposal following receipt of Gateway Authorisation and the General Manager be given delegation to endorse the exhibition material.
4. Should the Minister determine under Section 56(2) of the *Environmental Planning and Assessment Act 1979* that the Planning Proposal may proceed without significant amendment, Council publicly exhibit the Proposal in accordance with the Gateway Determination.
5. Council endorse the draft *Hornsby Development Control Plan 2013* amendments attached to Group Manager's Report No. PL71/15 for exhibition concurrently with the Planning Proposal.
6. Following exhibition, a report on submissions be presented to Council.

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**PURPOSE**

The purpose of this report is to present a Planning Proposal that seeks to introduce new development opportunities in the rural lands consistent with the findings of the Rural Lands Planning Issues Survey.

**BACKGROUND**

At its meeting on 9 April 2014, Council considered Group Manager's Report No. PL26/14 discussing Council's previous resolution to consult the community on options for a review of minimum allotment sizes in the Galston and Glenorie areas. Council resolved to undertake a survey to identify the community's vision for the rural areas and attitudes to a number of planning controls and development opportunities. Accordingly, in June 2014, Council invited a total of 6,430 landowners in the Shire (comprising 3,215 landowners in the suburbs that comprise the rural areas and the equivalent number of randomly selected landowners in the urban areas) to participate in an on-line survey. Council received a total of 1,398 responses.

An analysis of the responses to the Rural Lands Planning Issues Survey was undertaken and summarised in a report. The Summary of Responses Report identified the following key results relating to the development opportunities surveyed.

- **Larger Secondary Dwellings:** Support (75.2%) for larger secondary dwellings, with a combined preference (62.2%) for the size limit to be increased to between 30% and 50% of principal dwelling size.
- **Attached Dual Occupancy:** Support (75.8%) for the introduction of attached dual occupancy. There is no clear preferred size limit.
- **Roadside Stalls:** Support for larger roadside stalls (65.4%) that sell local produce (91.9%) rather than being restricted to selling produce from the property. There is no clear preferred size limit.
- **Rural Cluster Subdivision:** Support for introducing rural cluster subdivision (62.5%) throughout all rural lands (47.6%) to permit a smaller lot size on those parts of the land with a greater capacity to support development as an offset for the conservation of environmentally sensitive land. There is a need to define the development type, including identifying minimum rural zone lot size and density.
- **Reduced Lot Sizes:** Generally, there is equal support for (48.3%) and against (46.6%) reducing lot size at the Shire-wide level based on satisfaction with current controls.

However, when asked specific questions about the preferred lot size (i.e. various lot size options were provided ranging from maintaining existing lot size down to 1 acre), there is some support for reducing lot size. There is 66% support for a reduction of the 10 hectare lot size (currently applied to land north of Glenorie Village), with 2 hectare lots being the preferred lot size (40.1%). There is 58.1% support for a reduction of the 2 hectare lot size (currently applied to land south of Glenorie Village), with 1 acre lots being the preferred lot size (34.6%).

The level of support for reducing lot size across all survey questions increases when analysis is undertaken at the rural area and rural zone levels. However, when asked the question on the preferred location for reduced lot size (i.e. within specific suburbs, 1km of various rural villages and/or the suburban/rural boundary), there was no one clear preferred location.

- **Split Zone Lots:** There is support (59.0%) for the inclusion of the environmental zoned land when calculating lot size for the subdivision of split zoned land throughout all rural lands (61.8%). There is also a need to define the minimum rural zone lot size.

At its meeting on 12 November 2014, Council considered Group Manager's Report No. PL82/14 in relation to the Summary of Responses Report. Council resolved that:

1. *The Rural Lands Planning Issues Survey – Summary of Response Report (attached to Group Manager's Report No. PL82/14) be received and noted.*
2. *The Summary of Response Report be made available for viewing on Council's website to inform the community of the findings.*
3. *A Councillor Briefing be held to discuss the preparation of a strategy that responds to the findings of the survey prior to a report being presented for Council's consideration.*
4. *All persons who responded to the survey be advised of Council's resolution.*

In November 2014, the Summary of Response Report was made available for viewing on Council's website and all persons who responded to the survey were advised of Council's resolution.

In April and June 2015, Councillor briefings were held to discuss the survey results and options for progressing a planning response. It was agreed that a report presenting a planning proposal and *HDCP* amendments should be presented for Council's consideration.

## DISCUSSION

This report presents a Planning Proposal to amend the *Hornsby Local Environmental Plan 2013 (HLEP)* for endorsement for forwarding to the DP&E for Gateway Determination and draft amendments to the *HDCP* for public exhibition. This report also addresses the development opportunities identified in the Rural Lands Planning Issues Survey but not included in the Planning Proposal.

### A. Rural Lands Planning Proposal

A Rural Lands Planning Proposal has been prepared that seeks to amend the *HLEP* to provide new development opportunities in the rural lands of the Shire consistent with the findings of the Rural Lands Planning Issues Survey for the following development types:

- Larger secondary dwellings;
- Introduction of attached dual occupancy;
- Larger roadside stalls; and
- Revised split zone lot controls.

Details of the current planning controls, proposed amendments and community benefits are detailed in this report.

### Larger Secondary Dwellings

*Secondary Dwellings* are permitted with consent in all rural zones under the *HLEP* as part of a strategy to promote affordable housing in the Shire. The *Standard Instrument* identifies that the inclusion of a development control relating to the maximum floor area of a *Secondary Dwelling*, as expressed as a percentage of the size of the principal dwelling, is mandatory. When Council prepared the *HLEP*, 110m<sup>2</sup> was considered an appropriate maximum size as it was the same size as a "rural workers dwelling" permitted by the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*. Accordingly, when expressed as a percentage, it was determined that a secondary dwelling up to



20% of the total floor area of the principal dwelling would be an appropriate size restriction considering the size of new dwelling houses which are common in the rural areas (i.e. 500m<sup>2</sup>).

To reflect the role of secondary dwellings in accommodating extended families, or to provide rental accommodation, it is proposed to permit with development consent, *Secondary Dwellings* up to 33% the size of the principal dwelling. Larger *Secondary Dwellings* would be more consistent with market demand for housing in the rural area and may provide environmental and economic benefits as it would provide opportunity for the retention of existing dwellings as a *Secondary Dwelling*.

This approach would maintain the primacy of the principal dwelling and, on the basis of a 500m<sup>2</sup> principal dwelling, would provide the opportunity for a *Secondary Dwelling* with a floor space of 165m<sup>2</sup>. This equates to a standard 3 bedroom, 2 bathroom and 2 car space dwelling which would be consistent with the rural character of the area. A floor space of 165m<sup>2</sup> is the approximate average Australian dwelling size in circa 1985. A dwelling of this era still has good life expectancy and could be retained as the *Secondary Dwelling*. A 33% size limit is the average maximum size of Secondary Dwellings in the Hunter group of councils, which comprises 11 LGAs.

### **Introduction of Attached Dual Occupancy**

The RU1 zone (north of Glenorie Village), RU2 zone (south of Galston Village) and the RU4 zone (north of Galston Village) already permit *Secondary Dwellings* and have minimum lot size requirement of either 2 or 10 hectares. To compliment this existing strategy, it is proposed to permit with development consent, *Attached Dual Occupancies* up to 200m<sup>2</sup> by amending the *HLEP*.

To ensure *Attached Dual Occupancies* only occur on existing lots of a suitable size, a special provision is proposed that requires the existing lot be equal or greater than the existing minimum lot size over the land (i.e. 2 or 10 hectares).

There are a number of councils in the Sydney Metropolitan Area with rural lands that include maximum floor space controls for *Attached Dual Occupancies* ranging from 60m<sup>2</sup> to 400m<sup>2</sup>. A 200m<sup>2</sup> floor space limit is considered appropriate as it is the same size as the minimum required building envelope in an urban area of Hornsby Shire and generally equates to a standard 4 bedroom, 2 bathroom and 2 car space dwelling. It is also only slightly larger than the likely maximum expected size of a *Secondary Dwelling* (i.e. 165m<sup>2</sup>) based on the 33% size limit proposed by the Planning Proposal and common principal dwelling size in a rural area of 500m<sup>2</sup>.

Permitting *Attached Dual Occupancies* as an alternate housing form to that of a *Secondary Dwelling* would provide the opportunity for an alternate affordable housing option. As they would not be limited in size based on the principal dwelling they would suit larger families or provide rental accommodation in the rural areas of the Shire. This housing form would also be restricted to the area of a site already occupied, therefore maintaining significant plots for agriculture.

### **Larger Roadside Stalls**

Roadside stalls are permitted with consent in the RU1, RU2, RU4, B1, B2, B3 and B4 zones under the *HLEP*. The *Standard Instrument* mandates that *Roadside Stalls* are restricted to selling agricultural or hand crafted goods produced on the property on which the stall is situated or from an adjacent property. The *Standard Instrument* also mandates the inclusion of development controls to restrict their size. The definition of *Roadside Stalls* in the *HSLEP 1994* included a size limitation of 20m<sup>2</sup>. As the *HLEP* was principally a translation of the former planning instrument, the 20m<sup>2</sup> limit was included.

To address the role of roadside stalls in promoting agriculture and tourism, it is proposed to amend the *HLEP* to permit with development consent, *Roadside Stalls* up to 40m<sup>2</sup>. This size would be equivalent to a double garage which would still maintain rural character. The size restriction would

also only be slightly larger than the average size restriction applied in other Sydney Metropolitan and Sydney Surrounds LGAs with rural zoned lands but considerably smaller than the 75m<sup>2</sup> limit applied in The Hills, Hawkesbury and Wollondilly LGAs.

Permitting the expansion of goods available for sale at a *Roadside Stall* to those produced in the local area would require the State Government to modify the definition of *Roadside Stalls* in the *Standard Instrument* and would apply to all LGAs in the State. Accordingly, it does not form part of this Planning Proposal.

Should Council be of a mind to change the definition, it may request the NSW State Government change its policy position. Although an expansion to the definition may support locally produced agriculture and hand crafted goods, the term 'local area' is amorphous and may create significant difficulties for Council in undertaking its duties both in the interpretation of the land use and confirming whether the goods sold are in fact produced in the local area. *Roadside stalls* could resell produce purchased in other Sydney markets and this could compete with shops in nearby commercial centres.

The current definition is easily monitored as it only requires Council officers to survey the property on which the roadside stall is located and adjoining properties to confirm the agriculture or hand craft is produced on one of the properties. Therefore, it is not recommended that Council make representations to amend the current definition.

### **Revised Split Zone Lot Controls**

Rural zoned properties that also include Environmental zoned land are called split zoned lots. Environmental zoned land, which is applied to sensitive land, is excluded from the lot size calculation for split zone properties to protect the land from fragmentation. Unfortunately, the introduction of split lot controls has reduced the potential to subdivide otherwise suitable land and even where subdivision is achieved, led to the inequity of the existing lot retaining the burden of maintaining the entire environmentally zoned parcel.

To address this issue, it is proposed to amend the *HLEP*, by modifying the split zone lot controls to require lots to have a:

- total area which is equal to, or greater than, the existing 2 or 10 hectare minimum rural zone lot size over the land; and
- a component of rural zoned land equal to, or greater than, 20% of the minimum lot size.

Maintaining lots with a total area equal to, or greater than, the existing minimum rural lot sizes would maintain the rural landscape character. The requirement to include a component of rural zoned land equal to, or greater than, 20% of the minimum lot size would result in at least 2 hectares of rural zoned land (which could support viable agricultural undertakings) for 10 hectare lots and at least 1 acre of rural zoned land (which could support rural/residential living) for 2 hectare lots.

Including environmental zoned land for the purpose of calculating lot sizes on split zone properties may result in 100 additional lots.

This lot yield can be accommodated as progressing the Planning Proposal would restore the development potential removed from the rural lands in 1985 when an Environmental Protection zone was applied to steep lands as part of an amendment to the then governing *Hornsby Planning Scheme Ordinance 1977*. The original purpose of the control was to minimise the fragmentation of the environmentally sensitive land and potential for the erection of additional fences along property boundaries which could impede the movement of fauna. Any potential for fragmentation of properties by erection of fences is more than adequately offset by sharing the burden of managing the environmentally sensitive land amongst a number of property owners. Further, the E3 land use

zoning strategy would still apply and provide adequate protection over environmentally sensitive lands by restricting permissible development to low intensity land uses.

## B. Draft Hornsby Development Control Plan Amendments

Draft amendments to the *HDCP* have been prepared to supplement the Planning Proposal. Details of the current planning controls, planning issue, proposed amendments and the community benefits are detailed in the following table.

|                                                  | <b>Current Controls</b>                                                                      | <b>Planning Issue</b>                                                                                                                                                                                                                                                           | <b>Proposed Amendments</b>                                                                                                                                                                                                                                                                                                                                     | <b>Community Benefits</b>                                                                                                                                      |
|--------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Larger Secondary Dwellings</b>                | The <i>HDCP</i> includes a <i>Secondary Dwellings</i> element.                               | Recent applications have highlighted a trend towards including an oversized garage or attaching the <i>Secondary Dwelling</i> to farm/outbuildings. This provides opportunity for retrofitting to form a much larger non-complying <i>Secondary Dwelling</i> .                  | The element be amended to require <i>Secondary Dwellings</i> to: <ul style="list-style-type: none"> <li>• have a maximum of 2 car parking spaces; and</li> <li>• not be attached to farm/out buildings.</li> </ul>                                                                                                                                             | <i>Secondary Dwellings</i> do not covertly evolve into a larger dwelling.                                                                                      |
| <b>Introduction of Attached Dual Occupancies</b> | The <i>HDCP</i> does not currently include provisions for <i>Attached Dual Occupancies</i> . | Good practice planning controls should be prepared. <i>Attached Dual Occupancies</i> should: <ul style="list-style-type: none"> <li>• have appearance of a dwelling-house when viewed from the primary street frontage; and</li> <li>• be limited in bulk and scale.</li> </ul> | An <i>Attached Dual Occupancies</i> element be inserted to require the: <ul style="list-style-type: none"> <li>• front elevation of attached dual occupancies to be not greater than 50% of the property width;</li> <li>• dwelling walls of attached dual occupancies to be no greater than 6 metres apart where they are only attached by a roof;</li> </ul> | <i>Attached Dual Occupancies</i> are of an appropriate bulk and scale and have an integrated appearance which gives the impression of a single dwelling house. |

|                                        |                                                                                                                                 |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                       |                                                                                                                                    |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
|                                        |                                                                                                                                 |                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• vehicular access to both dwellings to be from a single common driveway or access road;</li> <li>• second dwelling to be consistent with existing dwelling architecture and materials; and</li> <li>• attached dual occupancy to not be of mirror reversed design.</li> </ul> |                                                                                                                                    |
| <b>Larger Roadside Stalls</b>          | The <i>HDCP</i> does not currently include provisions for <i>Roadside Stalls</i> but includes a <i>Rural Buildings</i> element. | Good practice planning controls should be prepared to ensure <i>Roadside Stalls</i> are compatible with the rural character.                                                                                        | <i>Roadside stall</i> provisions be inserted into the <i>Rural Buildings</i> element to require that a roadside stall is constructed in a form and of materials that are of a rural idiom.                                                                                                                            | Roadside stalls are compatible with the rural character.                                                                           |
| <b>Revised Split Zone Lot Controls</b> | The <i>HDCP</i> includes a "Rural Lands Subdivision" element.                                                                   | The element contains special provisions for split zone subdivisions, including a figure to illustrate complying and non-complying subdivision examples. The provisions are inconsistent with the planning proposal. | The <i>Rural Lands Subdivision</i> element be amended to be consistent with the Planning Proposal and so that subdivision layout generally provides for equal sized split zone lots with regular division lines.                                                                                                      | Orderly subdivision where the burden of managing the environmentally sensitive land is shared amongst a number of property owners. |

### C. Other Development Opportunities

The Rural Lands Planning Proposal has been prepared to provide a number of new development opportunities in the rural lands of the Shire. Other development opportunities identified in the Rural Lands Planning Issues Survey or in community submissions subsequently received but not included in the planning proposal are:

- Introduction of rural cluster subdivision;
- Reduced minimum lot sizes; and
- Extension of Galston Village.

The *Metropolitan Strategy – A Plan for Growing Sydney* identifies the rural area of Hornsby Shire as part of the “Metropolitan Rural Area” and part of an “agricultural cluster”. The following goals, directions and actions from the *Metropolitan Strategy* are of particular relevance:

- **Action 2.4.2** identifies that the Government will develop a framework for the identification of new Growth Centres that considers a range of matters, including the sustainability of Sydney’s agricultural and resource sectors. The Action states that the framework will be prepared in tandem with the preparation of a strategic framework for the Metropolitan Rural Area and it is anticipated to provide a new methodology for evaluating rural land for its suitability for urban subdivision; and
- **Action 4.1.2** identifies that the Government will prepare a strategic framework for the Metropolitan Rural Area to enhance and protect its broad range of environmental, economic and social assets. The framework will assist decision making by establishing a range of criteria, including criteria to minimise the adverse economic impacts on existing primary industry and productive agriculture.

The Metropolitan Strategy will be supported by a series of subregional strategies that are currently being prepared, including one for the North Subregion that will provide more detailed strategic direction for eleven LGAs, including Hornsby. It is anticipated that the draft Plan will include a rural resource lands strategy, housing targets and address the above mentioned Metropolitan Strategy actions.

The DP&E has advised that the release of the draft North Subregional Plan is likely to occur in late 2015. On the grounds that the above issues have the potential to result in significant lot yields which may not be consistent with the Metropolitan Strategy and North Subregional Plan, it is recommended that consideration not proceed at this time. Upon release of the North Subregional Strategy, it would be appropriate to revisit the above issues so that their impact may be evaluated in relation to the Government’s rural resource lands strategy.

#### **D. Feedback on Summary of Submissions Report**

Council received 13 submissions in response to the *Summary of Response Report* which was placed on Council’s website in November 2014. A summary of the issues raised are provided below.

**Support Development Options:** Two submissions from the Hornsby Rural Areas Association Inc (HRAA) support the development options identified in the Survey, specifically:

- Expanding Galston and Glenorie villages;
- Possibly establishing new villages in Arcadia and Dural;
- Reducing the minimum lot size for all existing 10 hectare lots to 2 hectares;
- Reducing the minimum lot size for all existing 2 hectare lots to 1 acre to a radius of at least 1km from the villages; and

- Providing strategically located rural cluster subdivision throughout the balance of the rural area where 10 hectare lots can be subdivided to accommodate up to 30 dwellings.

**Oppose Development Options:** Submissions from the Sydney Agricultural Rural and Public Lands Trust (SARAPLT) and the Galston Area Residents Association (GARA) oppose the development options. The submission from SARAPLT suggested that the:

- Research method, sampling and construction of the Survey was flawed;
- Explanation of planning concepts and implications was inadequate resulting in inconsistent responses;
- Distribution of the survey questions and misleading information in advance invalidates the Survey;
- Survey had a bias to residents with a computer as availability of hard copies was limited;
- Survey findings should not be used to validate rural rezoning; and
- Previous results from the 2003 Survey should be enforced.

The submission from GARA also suggests the distribution of survey questions and misleading information invalidates the Survey.

**Support Extension of Galston Village:** Eight submissions note that Sydney Water is nearing completion of the Galston and Glenorie sewer program and Council's previous resolution to reconsider extending the Village to School and Johnson Roads when the matter of effluent disposal has been resolved. The submissions request that Council reconsider the extension of Galston Village as part of the preparation of the Rural Lands Planning Strategy.

**Comment:** The Rural Lands Planning Issues Survey findings provide a cross section of community views and are of value in assisting Council to prepare the Rural Lands Planning Strategy.

At its meeting on 9 April 2014, Council resolved to undertake a survey in accordance with a community consultation brief to identify the community's vision for the rural areas and attitudes to a number of planning controls and development opportunities. Accordingly, the Survey was prepared, facilitated and reported on in accordance with Council's brief and with the assistance of an independent consultation expert. The survey provides community feedback to assist Council in preparing the Rural Lands Planning Strategy.

At its meeting its meeting on 17 February 1999, Council considered Executive Manager's Report No. PLN30/99 reviewing the submissions received to the Rural Lands Study in relation to all the rural village areas, including Galston Village. Council resolved that:

*"A final decision concerning the proposed expansion of Galston Village (School and Johnson Roads) be deferred until Council has considered the findings of a flora and fauna survey and determined the most appropriate means of disposing effluent from the village following the review of the 'Assessment of sewage treatment and reuse options in the Galston Village area' report."*

Any extension to Galston Village would result in additional lot yields and would require evaluation having regard to the State Government's Metropolitan Strategy, any relevant recommendations from the North Subregional Plan and consultation with relevant infrastructure providers, including Sydney Water. Although Sydney Water has commenced the sewer program, it would be appropriate to group this issue with the review of subdivision controls as outlined in Section C of this report.

**Recommendation:** It is recommended that no amendment be made to Council's strategy in response to the submissions received that support or object to the development opportunities identified.

### **Consultation Strategy**

Should Council resolve to proceed with the Planning Proposal, and Gateway Authorisation is issued by the DP&E, the Plan would be formally exhibited in accordance with the Consultation Strategy contained within the attached Planning Proposal and in accordance with "*A guide to preparing local environmental plans*" prepared by the Department of Planning and Infrastructure (2009). The Planning Proposal and associated draft *HDCEP* amendments would be exhibited for a period of 28 days and, at a minimum would include the following:

- Notification letters and a copy of the Planning Proposal and draft *HDCEP* amendments would be sent to relevant public authorities (if any) outlined in the Gateway Determination;
- An advertisement would be placed in local newspapers that identify the purpose of the Planning Proposal and draft *HDCEP* amendments and where they can be viewed;
- The Planning Proposal and draft *HDCEP* amendments would be exhibited on the Council website under On Exhibition ([www.hornsby.nsw.gov.au/onexhibition](http://www.hornsby.nsw.gov.au/onexhibition)). Council's libraries have access to the website;
- A letter would be sent to affected land owners, previous survey respondents and relevant community industry groups including those referenced in this report advising them of the exhibition and how to make a submission; and
- The Planning Proposal will be displayed at the Council Administration Centre, 296 Peats Road, Hornsby, Galston, Berowra and Pennant Hills Libraries.

A report outlining the outcomes of public agency consultation and submissions received during public exhibition would be presented to Council for its consideration at the conclusion of the exhibition period.

### **Statutory Considerations**

The Planning Proposal has been prepared having regard to the applicable State Environmental Planning Policies and s117 Ministerial Directions, it being noted that the following Directions are relevant:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 7.1 Implementation of a Plan for Growing Sydney

To progress the Planning Proposal, it would be necessary to seek Gateway Determination from the DP&E prior to public exhibition. Gateway Determination must be provided by the DP&E prior to progression of the Planning Proposal to public exhibition.

As part of the Gateway Authorisation process, Section 23 of the *Environmental Planning and Assessment Act 1979* allows the Minister and the Secretary to delegate functions to a council and/or an officer or employee of a council. When submitting a planning proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP;
- to defer inclusion of certain matters; and
- to identify which matters must be considered and which stages of the plan making process must be carried out again.

At its meeting on 12 December 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager. Acknowledgement of Council's resolution was received from (then) Department of Planning and Infrastructure (now the DP&E), on 3 March 2013.

On the grounds that the Planning Proposal is consistent with the types of draft LEPs to be routinely delegated, it is recommended that Council exercise the Authorisation in this instance.

To progress the draft *HDCEP* amendments, it would be necessary to exhibit them for community comment concurrent with the Planning Proposal for a minimum period of 28 days.

#### **BUDGET**

There are no budgetary implications associated with this Report.

#### **POLICY**

There are no policy implications associated with this Report.

#### **CONCLUSION**

The purpose of the attached planning proposal and draft *HDCEP* amendments is to implement new planning controls that respond to the findings of the Rural Lands Planning Issues Survey. The Rural Lands Planning Proposal seeks to amend the *HLEP* to provide the opportunity for:

- Secondary dwellings up to 33% of the size of the principal dwelling;
- Attached dual occupancy up to 200m<sup>2</sup>;
- Roadside stalls up to 40m<sup>2</sup>; and
- Split zone lots with a total area that complies with the rural zone lot size and have a component of rural zoned land equal to or greater than 20% of the lot size for that land.

The draft *HDCEP* amendments supplement the Planning Proposal by revising existing or introducing new planning controls to the Rural and Subdivision chapters. Accordingly, it is recommended that Council endorse the Rural Lands Planning Proposal for forwarding to the DP&E for Gateway Determination. It is also recommended that the associated draft *HDCEP* amendments be endorsed for public exhibition concurrent with the Planning Proposal.

#### **RESPONSIBLE OFFICER**

The officer responsible for the preparation of this Report is the Manager – Strategic Planning – Fletcher Rayner, who can be contacted on 9847 6744.



FLETCHER RAYNER  
Manager - Strategic Planning  
Planning Division

JAMES FARRINGTON  
Group Manager  
Planning Division

**Attachments:**

1. Rural Lands Planning Proposal - August 2015
2. Draft Hornsby Development Control Plan Amendments

File Reference: F2014/00279-02

Document Number: D06432901



## FOR ACTION

Meeting: GENERAL MEETING

9/09/2015

TO: Principal Strategic Town Planner - Strategic Planning (Jason Rawlin)

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**Subject:** Rural Lands Planning Strategy

**Target Date:** 23/09/2015

**Notes:**

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Mr Peter Shipway, of Arcadia, addressed Council regarding this item.  
Mr Paul Irving, of Galston, addressed Council regarding this item.  
Mrs Lesley Freeman, of Middle Dural, addressed Council regarding this item.  
Mr Dennis Merchant, of Dural, addressed Council regarding this item.  
Mrs Ingrid Cattley, of Galston, addressed Council regarding this item.  
Mr Doug Cohen, of Arcadia, addressed Council regarding this item.  
Mr Peter Knox, on behalf of Hornsby Rural Areas Association, addressed Council regarding this item.  
Mr Richard Bird, of Arcadia, addressed Council regarding this item.  
Ms Beverley Hobbs, of Galston, addressed Council regarding this item.  
Mr Leslie Lovell, of Beecroft, addressed Council regarding this item.  
Ms Abbie Mitchell, of Fiddletown addressed Council regarding this item.  
Mr Graeme Evans, of Dural, addressed Council regarding this item.  
Ms Nat Tesoriero, of Castle Hill, addressed Council regarding this item.  
Mr David Sentinella, on behalf of Hornsby Ku-ring-gai Greens, addressed Council regarding this item.  
Mr John Inshaw, of Galston, addressed Council regarding this item.  
Mrs Katherine Curic, of Glenorie, addressed Council regarding this item.  
Ms Kim Mullins, of Hornsby, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR HUTCHENCE,  
THAT:

- A. 1. Council endorse progression of the Rural Lands Planning Proposal attached to Group Manager's Report No. PL71/15 and forward the Proposal to the Department of Planning and Environment seeking a Gateway Determination.

2. Council defer consideration of whether to progress investigation of any further options for review of allotment sizes until the release of the North Subregional Strategy which may identify key directions for development, including a rural resource lands strategy and housing targets.
  3. In accordance with delegated plan making powers, Council exercise Authorisation to prepare and make the Planning Proposal following receipt of Gateway Authorisation and the Acting General Manager be given delegation to endorse the exhibition material.
  4. Should the Minister determine under Section 56(2) of the Environmental Planning and Assessment Act 1979 that the Planning Proposal may proceed without significant amendment, Council publicly exhibit the Proposal in accordance with the Gateway Determination.
  5. Council endorse the draft Hornsby Development Control Plan 2013 amendments attached to Group Manager's Report No. PL71/15 for exhibition concurrently with the Planning Proposal.
  6. Following exhibition, a report on submissions be presented to Council.
- B. Council write to Sydney Water to request an update on the take up of connections to the Galston and Glenorie Wastewater Scheme and estimate of likely future capacity of the Scheme to accommodate growth to assist Council consider any future options for a review of allotment sizes.

AN AMENDMENT WAS MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR AZIZI,

THAT consideration of Group Manager's Report No. PL71/15 be deferred until the 11 November 2015 General Meeting to allow for an Informal Briefing of Councillors to discuss further options for consultation with the community.

THE AMENDMENT MOVED BY COUNCILLOR BERMAN, seconded by COUNCILLOR AZIZI, WAS PUT AND LOST.

FOR: COUNCILLORS AZIZI AND BERMAN

AGAINST: COUNCILLORS ANISSE, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL, SINGH AND TILBURY

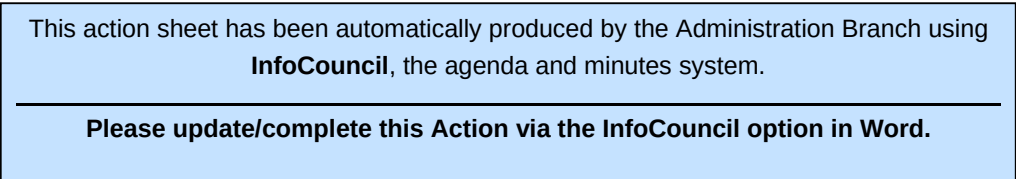
THE MOTION, MOVED BY COUNCILLOR TILBURY, seconded by COUNCILLOR HUTCHENCE, WAS PUT AND CARRIED.

FOR: COUNCILLORS ANISSE, AZIZI, BROWNE, COX, GALLAGHER, HUTCHENCE, RUSSELL, SINGH AND TILBURY

AGAINST: COUNCILLOR BERMAN

[Open Item in Minutes](#)

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