

Planning Proposal – Encouraging Horticulture in Rural Zones

Council is progressing a Planning Proposal to amend *Wollondilly Local Environmental Plan 2011* (WLEP 2011) which aims to encourage horticulture in the rural zones. The Wollondilly Local Environmental Plan is the key statutory document at a local government level which guides and controls the development of land. This includes zoning land and prescribing uses in those land use zones which are permitted and where development consent (planning approval) is required to undertake those uses.

The amendments proposed seek to create a pathway for Horticulture to be undertaken as exempt development in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots Zones, and as Complying Development in the RU2 Rural Landscape and RU4 Primary Production Small Lots Zones in the Shire. Horticulture at present, can only be established in the rural zones via the Development Application process.

Background

The proposal is in response to an action in the Wollondilly Rural Lands Strategy (2021) which requires Council to review the approval requirements for horticulture in the rural zones under WLEP 2011. The Rural Lands Strategy identified significant opportunities for horticulture in the Wollondilly Local Government Area to the year 2040, however, the current approach where horticulture requires a development application is seen as a barrier to primary producers wanting to undertake horticulture, particularly where it is proposed on a small scale and is low impact. Providing an opportunity for small scale, low impact horticultural activities to be undertaken as exempt development in the RU1 zone and as exempt or complying development in the RU2 zone and RU4 zone (where appropriate) will help to encourage new horticultural activities in the area.

What is Exempt and Complying Development?

Exempt Development refers to development that may be undertaken without planning approval, while Complying Development refers to a fast-tracked approval pathway for

development types which are considered to be low impact, which can be determined either by Council or a private certifier.

In order for a use to be undertaken as exempt or complying development, it must be permitted in the land use zone on which it is to be carried out, and is most often required to meet a set of pre-determined development standards (controls) that are contained in either a Council's Local Environmental Plan or a State Environmental Planning Policy (SEPP). If any one of these standards are not able to be met, then it will typically revert back to the requirement for a development application to be lodged with Council in order to undertake the use.

Proposed Amendments

The intent of the Planning Proposal is to amend WLEP 2011 to enable a pathway whereby horticulture can be undertaken:

- as exempt development in the RU1 Primary Production zone;
- as exempt or complying development in the RU2 Rural Landscape zone; and
- as exempt or complying development in the RU4 Primary Production Small Lots zone.

The Planning Proposal includes pre-determined standards that must be satisfied in order for horticulture to be undertaken in the rural zones as exempt or complying development. Full details of the proposed amendments are provided in the Planning Proposal document.

Development Standards and Land excluded from the amendments

The Planning Proposal includes a set of pre-determined development standards that must be achieved if horticulture is to be commenced on rural land utilising the exempt or complying development pathways. The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* already prescribes that a land use cannot be carried out as exempt or complying development where the land comprises any of the following:

- is identified as critical habitat;

TEETH FACTS

- includes item that is listed on the State Heritage Register under the *Heritage Act, 1977* or on which such an item is located;
- is, or is part of a Wilderness Area;

The Standards included in this Planning Proposal provide that horticulture cannot be undertake on rural zoned land where it is located in one of the following areas:

- a Priority Growth Area identified under the *State Environmental Planning Policy (Precincts – Western Parkland City), 2021*;
- the Wildlife Buffer Zone on the Wildlife Buffer Zone map under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (other than where the use is undertaken in a controlled environment, such as igloos, glasshouses and the like where the structures are fully enclosed);
- within a Heritage Conservation Area (including a Landscape Conservation Area) if the use is proposed in controlled environment structures such as igloos, glasshouses, polytunnels and the like;
- on a slope which is greater than 15 percent after any allowable cut and fill (up to a maximum of 1 metre);
- the development is proposed within 40 metres of a watercourse;

The standards also include other requirements such as setbacks and maximum height and area for structures that the development must achieve in order to be carried out under the exempt or complying development pathways.

A full list of these standards can be found on the Wollondilly Yoursay Page.

Where any one of these standards cannot be met, a Development Application will continue to be required to carry out a horticultural use on rural zoned land.