

## Planning Proposal to Encourage Horticulture in Rural Zones

The Planning Proposal seeks to amend Wollondilly Local Environmental Plan 2011 to enable horticulture to be undertaken as exempt or complying development in the rural zones. In order to rely on these alternate approval pathways and carry out horticulture as either exempt or complying development in the rural zones, the development would need to meet the proposed development standards outlined below.

Where these development standards cannot be achieved, a development application would continue to be required in order to undertake horticulture on the land.

The interactive map on the Yoursay Wollondilly site can be used to assist in determining whether the land would be affected by any of the land based exclusions in the standards.

## Schedule 2 Exempt Development

### **Horticulture in the RU1 Primary Production Zone, RU2 Rural Landscape Zone and RU4 Primary Production Small Lots Zone**

- (1) Must be located greater than 40 metres from a watercourse;
- (2) If the use is proposed to include hydroponic operations that utilise “drain to waste” systems, any waste water must be appropriately collected and either used to irrigate field-based horticulture on the landholding or else be fully captured and appropriately disposed of;
- (3) Must have access to a suitable water source to sustain the use;
- (4) For open field-based horticulture, must achieve a setback distance of:
  - i) no less than 5m from any property boundary for organic horticulture certified under the Australian Certified Organic Standard (not including any property boundary that forms part of the landholding);
  - ii) for all other field-based horticulture: no less than 10m from any property boundary (not including any property boundary that forms part of the landholding);
- (5) Must not be located on a slope which is greater than 15 percent after any allowable cut and fill (up to a maximum of 1 metre);
- (6) Must not be located within a Priority Growth Area identified under the *State Environmental Planning Policy (Precincts – Western Parkland City), 2021*;
- (7) Must not be located within 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);
- (8) A minimum of 1 toilet per 20 employees (or part of 20 persons employed) must be provided on the land and be designed in accordance with the Building Code of Australia;
- (9) Before the use commences, must (if required) have an approval:
  - a) if required by the *Local Government Act, 1993* for:
    - i) an on-site effluent disposal system if the development is undertaken on unsewered land;
    - ii) an on-site stormwater drainage system
  - b) Before the use commences, if required, have written consent from the relevant roads authority (if required under section 138 of the *Roads Act 1993*) for the building of any kerb, crossover or driveway to service the development.
- (10) where the use is proposed in structures such as, igloos, glasshouses, polytunnels and the like and is proposed on land in a mine subsidence district within the meaning of the *Mine Subsidence Compensation Act 1961*, have the prior approval of the Subsidence Advisory Board (where required), and

(11) Irrigation runoff water must be managed on site and not impact on adjoining properties.

(12) The use shall not give rise to water, air or noise pollution as defined in the *Protection of the Environment Operations Act, 1997*.

(13) Where the land is, or has been used for a purpose identified under table 1 of the EPA Contaminated Land Planning Guidelines and the horticultural use will involve the growing of produce from the ground, a statement must be obtained from a person who is qualified to assess contaminated sites, stating:

- the land is suitable for the development, or
- the land will be suitable for the development if specified remediation works are carried out.

(14) Must not result in the removal of any native vegetation that requires a permit, approval or development consent, unless the removal or pruning is carried out in accordance with the permit, approval or development consent;

(15) Where horticulture is proposed in controlled environment structures such as igloos, glasshouses, polytunnels and the like, must achieve the following:

- a) not be located within a Heritage Conservation Area (including a Landscape Conservation Area);
- b) be setback in accordance with the table below:

Land Use Zone	Minimum Setbacks	
	Any boundary adjoining a Residential Zone	Any boundary not adjoining a residential zone (not including any property boundary that forms part of the landholding).
<b>RU1</b>	20m	10m
<b>RU2</b>	20m	20m
<b>RU4</b>	20m	20m

c) The frames and covers associated with the structures are to be maintained (and where required replaced) in accordance with manufacturers standards to maintain an appropriate standard of amenity;

d) use materials that minimise glare so that it does not impact on the amenity of adjoining lands;

e) not be greater than 8 metres in height above existing ground level;

f) The combined total of all structures must not exceed the following:

Land Use Zone	Combined Size of Structures
RU1	5000 sqm
RU2	1000 sqm
RU4	1000 sqm

g) not involve more than 1 metre of cut and 1 metre of fill at any point;

(16) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the [Protection of the Environment Operations Act 1997](#),

Schedule 3 Complying Development in WLEP 2011 to include the following:

**Horticulture in the RU2 Rural Landscape Zone and RU4 Primary Production Small Lots Zone**

- (1) Must be located greater than 40 metres from a watercourse;
- (2) If the use is proposed to include hydroponic operations that utilise “drain to waste” systems, any waste water must be appropriately collected and either used to irrigate field-based horticulture on the landholding or else be fully captured and appropriately disposed of;
- (3) Must have access to a suitable water source to sustain the use;
- (4) For field-based horticulture, must achieve a setback distance of no less than:
  - i) no less than 5m from any property boundary for organic horticulture certified under the Australian Certified Organic Standard (not including any property boundary that forms part of the landholding);
  - ii) for all other field-based horticulture: 10m from any property boundary (not including any property boundary that forms part of the landholding);
- (5) Must not be located on a slope which is greater than 15 percent after any allowable cut and fill (up to a maximum of 1 metre);
- (6) Must not be located within a Priority Growth Area identified under the *State Environmental Planning Policy (Precincts – Western Parkland City), 2021*;
- (7) Must not be located within 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);
- (8) A minimum of 1 toilet per 20 employees (or part of 20 persons employed) must be provided on the land and be designed in accordance with the Building Code of Australia;
- (9) Before the use commences, must (if required) have an approval:
  - a) if required by the *Local Government Act, 1993* for:
    - i) an on-site effluent disposal system if the development is undertaken on unsewered land;
    - ii) an on-site stormwater drainage system
  - b) Before the use commences, if required, have written consent from the relevant roads authority (if required under section 138 of the *Roads Act 1993*) for the building of any kerb, crossover or driveway to service the development.
- (10) where the use is proposed in structures such as, igloos, glasshouses, polytunnels and the like and is proposed on land in a mine subsidence district within the meaning of the [Mine Subsidence Compensation Act 1961](#), have the prior approval of the Subsidence Advisory Board (where required), and

(11) Irrigation runoff water must be managed on site and not impact on adjoining properties.

(12) The use shall not give rise to water, air or noise pollution as defined in the *Protection of the Environment Operations Act, 1997*.

(13) Where the land is, or has been used for a purpose identified under table 1 of the EPA Contaminated Land Planning Guidelines and the horticultural use will involve the growing of produce from the ground, a statement must be obtained from a person who is qualified to assess contaminated sites, stating:

- the land is suitable for the development, or
- the land will be suitable for the development if specified remediation works are carried out.

(14) Must not result in the removal of any native vegetation that requires a permit, approval or development consent, unless the removal or pruning is carried out in accordance with the permit, approval or development consent;

(15) Where horticulture is proposed in controlled environment structures such as igloos, glasshouses, polytunnels and the like, must achieve the following:

- a) not be located within a Heritage Conservation Area (including a Landscape Conservation Area);
- b) be setback no less than:
  - i) 20 metres from any property boundary which adjoins a residential zone; and
  - ii) 10 metres from any property boundary not adjoining a residential zone (not including any property boundary that forms part of the landholding).
- c) The frames and covers associated with the structures are to be maintained (and where required replaced) in accordance with manufacturers standards to maintain an appropriate standard of amenity;
- d) use materials that minimise glare so that it does not impact on the amenity of adjoining lands;
- e) not be greater than 8 metres in height above existing ground level;
- f) the combined total of all structures must not exceed 4000 square metres;
- g) not involve more than 1 metre of cut and 1 metre of fill at any point;

(16) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and